

CHAPTER IV.b

Cuba



CHAPTER IV.B: CUBA

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CHAPTER IV.B

CUBA

I. INTRODUCTION

1. The Inter-American Commission on Human Rights ("IACHR" or "the Commission") has consistently held that it is competent to examine the human rights situation in Cuba, and it has monitored that situation as well as processing individual petitions submitted by Cuban citizens. The understanding of the Commission is that the exclusion from the inter-American system occurred with respect to the Government of Cuba, and not the State. The State of Cuba is a party to international instruments on human rights in the Hemisphere such as the American Declaration of the Rights and Duties of Man and the Charter of the Organization of American States; it also signed Resolution VIII of the Fifth Meeting of Consultation of Ministers of Foreign Affairs (Santiago de Chile, 1959), which established that the Inter-American Commission on Human Rights is "charged with furthering respect for such rights". Therefore, the international obligations contracted by the State of Cuba have legitimized the competence of the IACHR.

2. Furthermore, with respect to the States that have not ratified the American Convention on Human Rights, the States conferred on the Commission the power to "pay particular attention to the observance of the human rights referred to in Articles I, II, III, IV, XVIII, XXV and XXVI of the American Declaration of the Rights and Duties of Man", as established in Article 20(a) of the Statute of the IACHR. In this sense, it is incumbent on the IACHR to monitor human rights in Cuba. It should also be noted that the Commission has respected the State of Cuba's right to defense, since it communicates to its representatives, at the appropriate time, each of the actions that should be brought to its attention.

3. In light of the foregoing, under its mandate to promote and protect human rights in the Americas, the Inter-American Commission on Human Rights ("IACHR" or "the Commission") has monitored the human rights situation in Cuba, especially the events of 2023 that may be relevant for the full enjoyment of human rights.

4. The IACHR published its most recent country report on Cuba in June 2020, which provides a general overview of the human rights situation in the country from 2017 to 2019.¹ Since its publication, the IACHR has continued to monitor the human rights situation in Cuba and noted that the main concerns indicated in the report persisted and deepened in 2021, 2022, and 2023.

5. In April 2023, the IACHR published a thematic report on labor and union rights in Cuba. In that report, the IACHR and its Special Rapporteur for Economic, Social, Cultural and Environmental Rights (SRESCER) identified patterns of violations of labor and union rights in the following areas: (a) discrimination and persecution for political reasons in the labor context; (b) workplace harassment; (c) obstacles to access to labor justice; (d) violations of due process; (e) remuneration insufficient to meet basic needs; (f) unwarranted obstacles to free choice of work or career; (g) gender-based discrimination; (h) restrictions of academic freedom and university autonomy; (i) prohibition of freedom to organize and professional association; and (j) abusive disciplinary measures.²

6. In addition, during 2023, the IACHR continued to note various acts that constituted obstacles to the enjoyment of the rights of those under the jurisdiction of the Cuban State, such as arbitrary restrictions of the rights of assembly and of freedom of association, and to freedom of expression and thought – especially in the context of the various social protests in the country since July 2021, which continued in 2022 and 2023.

¹ IACHR, [Cuba2020-en.pdf \(oas.org\)](#), February 3, 2020.

² IACHR, [Cuba_derechoslaborales_EN.pdf \(oas.org\)](#), April 5, 2023.

7. Moreover, the IACHR notes that Cuba continues to face structural challenges with regard to human rights. These challenges stem from the aforesaid absence of essential elements of representative democracy, especially through the perpetuation of a single party model, lack of free elections and political pluralism, and the ban on association for political purposes.

8. This State political model has had negative impact on human rights in two main ways. On the one hand, an active tendency on the part of the State is noted to systematically intimidate and repress those who express disagreement with the government or are considered opponents of/dissidents against the Communist Party. On the other, obstruction of the implementation of reforms needed to restore the separation and independence of the branches of government, improve living conditions, and combat impunity in cases of human rights violations.

9. Therefore, in evaluating the human rights situation in Cuba in 2023, the IACHR has decided to include the country in Chapter IV-B of its Annual Report, considering that the situation in Cuba meets the criteria of Article 59(6)(a)(i) of the IACHR Rules of Procedure:

(a) (S)erious breach of the core requirements and institutions of representative democracy mentioned in the Inter-American Democratic Charter, which are essential means of achieving human rights, including:

(i) there is discriminatory access to or abusive exercise of power that undermines or denies the rule of law, such as systematic infringement of the independence of the judiciary or lack of subordination of State institutions to the legally constituted civilian authority;

10. The IACHR has also considered that the aforesaid situation meets the criteria of Article 59(6)(c) of those Rules of Procedure:

(c) The State has committed or is committing massive, serious and widespread violations of human rights guaranteed in the American Declaration, the American Convention, or the other applicable human rights instruments.

11. With regard to subparagraph (6)(a)(i), the IACHR considers that there exists in Cuba a serious breach of the core requirements and institutions of representative democracy, including an abusive exercise of power in contravention of the rule of law, in view of the systematic infringement on the independence of the judiciary. There are three structural reasons for this: (i) continuity of a single party-political model; (ii) concentration of authorities and powers in the conduct of political affairs; and (iii) subordination of justice administration to the political establishment.

12. In addition, regarding subparagraph (6)(c), the IACHR notes that in 2023, it continued to receive numerous reports of mass violations of the rights of Cubans to liberty, security, and personal integrity; to protection against arbitrary detention; the inviolability of the home; and to freedom of movement. It also continued to note the persistent serious breaches of the minimum guarantees of due process and judicial protection. The Commission noted that these human rights violations have primarily impacted human rights defenders, social and political leaders, dissidents, activists, and independent journalists, as well as Afro-descendent persons, women, and LGTBI persons, among other groups in vulnerable situations. The Commission considers that these State practices constitute mass, serious, and systematic human rights violations. This conclusion is based on the large number of victims, the gravity of the actions, and the existence of patterns of conduct carried out with State resources that reflect a policy defined and endorsed at the highest levels of State power.

13. As provided in Article 59.5 of the IACHR Rules of Procedure, in preparing this report, the Commission has drawn on information from international organizations, civil society, and the government itself through the website of Cuba's Ministry of Foreign Affairs and other official media. The IACHR has also

drawn on information obtained through its other monitoring and protection mechanisms, such as the system of petitions and cases, precautionary measures, and public hearings, among others. The IACHR analyzes the information received in the light of the inter-American human rights norms and standards and makes recommendations to the State. It also takes the opportunity to describe the activities carried out in 2023 with regard to Cuba.

14. During the preparation of this report, the Commission also received abundant information from civil society organizations — particularly in the framework of the four meetings of the Network of Civil Society Organizations regarding the situation of Human Rights in Cuba (RED Cuba) held in 2023. Through this initiative, the IACHR is deepening the strategic monitoring of the situation of human rights in the country through its different mechanisms and mandates, while promoting inter-American standards for the protection of human rights in a more synergistic way and in direct and ongoing cooperation with civil society. Additionally, the RED Cuba meetings have made it possible to increase information-sharing and the receipt of complaints and specialized input from civil society.

15. The IACHR approved this report on November 22, 2023. On January 12, 2024, the Commission sent to the State of Cuba a preliminary draft copy of this report, in accordance with Articles 59.7 and 59.10 of the IACHR Rules of Procedure, allowing two weeks for receipt of Cuba's observations. The State did not present observations.

II. DEMOCRATIC AND STATE INSTITUCIONS

16. The American Declaration of the Rights and Duties of Man (1948), Article XX provides that: "Every person having legal capacity is entitled to participate in the government of his country, directly or through his representatives, and to take part in popular elections, which shall be by secret ballot, and shall be honest, periodic and free."³

17. Moreover, upon adopting the Inter-American Democratic Charter in 2001, the OAS member states recognized that representative democracy is the system through which stability, peace, and development in the region is achieved, and that it is fundamental for attaining the full exercise of fundamental rights. Article 3 of the Inter-American Charter provides that:

Essential elements of representative democracy include, inter alia, respect for human rights and fundamental freedoms; access to and the exercise of power in accordance with the rule of law; the holding of periodic, free, and fair elections based on secret balloting and universal suffrage as an expression of the sovereignty of the people, the pluralistic system of political parties and organizations, and the separation of powers and independence of the branches of government.⁴

18. In turn, the Inter-American Court of Human Rights (IA Court HR), in the case of *San Miguel Sosa et al. v. Venezuela* (2018), indicated that the Inter-American Democratic Charter "is a rule of authentic interpretation of the treaties to which it refers, since it reflects the interpretation that the OAS Member States themselves, including the States Parties to the Convention, make of the provisions pertaining to democracy in both the OAS Charter and the Convention." In that regard, the IA Court HR concluded that "[t]he effective exercise of democracy in the American States is, therefore, an international legal obligation and they have sovereignly agreed that such exercise is no longer a matter solely for their domestic, internal or exclusive jurisdiction."⁵

³ OAS :: IACHR : Basic Documents in the Inter-American System, Adopted at the Ninth International Conference of American States, Bogotá, Colombia, 1948.

⁴ OAS, [Inter-American Democratic Charter \(oas.org\)](https://www.oas.org/en/interam/doc/interamdc.asp), Article 3. Adopted at the Twenty-eighth special session, September 11, 2001, Lima, Peru.

⁵ IA Court HR. *Case of San Miguel Sosa et al. v. Venezuela*. Merits, reparations and costs. Judgment of February 8, 2018. Series C No. 34818, par. 114.

19. In its annual reports, the IACHR has also consistently held that it is Commission doctrine that the right to political participation implies “the right to organize parties and political associations, which through open discussion and ideological struggle, can improve the social level and economic circumstances of the masses and prevent a monopoly on power by any one group or individual.”⁶ The Commission has further observed that:

the governments have, in the face of political rights and the right to political participation, the obligation to permit and guarantee: the organization of all political parties and other associations, unless they are constituted to violate human rights; open debate of the principal themes of socioeconomic development; the celebration of general and free elections with all the necessary guarantees so that the results represent the popular will.⁷

20. In that regard, as reflected in its annual reports, the IACHR understands that there is a direct relationship between the exercise of political rights and the concept of democracy as a form of governmental organization, which, in turn, implies the exercise of other fundamental human rights.⁸ Indeed, for the IACHR, the concept of representative democracy is based on the principle that political sovereignty resides in the people and that, in the exercise of that sovereignty, they elect their representatives to exercise political power. These representatives are also elected by citizens to implement specific political measures, which, in turn, implies that there has been extensive debate on the nature of said measures - freedom of expression - among organized political groups - freedom of association - and that have had the opportunity to express themselves and meet publicly - right of assembly.⁹ The exercise of political rights is, therefore, inseparable from other fundamental human rights.

A. Serious breach of the fundamental and institutional elements of representative democracy

21. In accordance with Article 59(6)(a)(i) of its Rules of Procedure, the IACHR considers that there exists in Cuba a serious breach of the core requirements and institutions of representative democracy, including an abusive exercise of power in contravention of the rule of law, given the systematic infringement of the independence of the judiciary. There are three structural reasons for this: (i) continuity of a single party-political model; (ii) concentration of authorities and powers in the conduct of political affairs; and (iii) subordination of justice administration to the political establishment.

1. Continuity of a single party model

22. The current Cuban Constitution (2019) continues to establish the Communist Party of Cuba (PCC-its Spanish acronym) as the highest governing force of society and the State and as the only valid party in Cuba.¹⁰ The Commission notes that this means, in practice, the formal absence of opposition political parties and of different lines of thought.

23. In addition, although the electoral law of Cuba enshrines the right of Cuban citizens to vote and to run for office without ideological restrictions,¹¹ in practice, according to statements received by the

⁶ IACHR, <https://www.cidh.oas.org/annualrep/2002sp/cap.4a.htm> 2002 Annual Report - Chapter IV (oas.org), Political Rights, par. 12.

⁷ IACHR, [2002 Annual Report - Chapter IV \(oas.org\)](#), Political Rights, par. 12.

⁸ IACHR, [7-IA2022 Cap 4B CU EN.pdf \(oas.org\)](#), par. 16.

⁹ IACHR, [Report on the Situation of Human Rights in Haiti](#), OAS/Ser.L/V/II.77.rev.1 Doc. 18, May 8, 1990, Chapter 1. “Political Rights,” par. 15.

¹⁰ Specifically, Article 5 of the current Constitution provides that: “The Communist Party of Cuba, unique, Martiano, Fidelista, and Marxist-Leninist, the organized vanguard of the Cuban nation, sustained in its democratic character as well as its permanent linkage to the people, is the superior driving force of the society and the State.” Cuba, *Gaceta Oficial*, Constitution of the Republic (GOC-2019-406-EX5), April 10, 2019. Available [in Spanish] at: https://www.gacetaoficial.gob.cu/sites/default/files/goc-2019-ex5_0.pdf. English translation Available at: [Cuba 2019 Constitution - Constitute \(constituteproject.org\)](#).

¹¹ Cuba, *Gaceta Oficial*, Law No. 127 “Electoral Law” (GOC- 2019-735-060), August 19, 2019. Available [in Spanish] at: <https://www.gacetaoficial.gob.cu/>.

IACHR,¹² the Nominating Committees¹³ act as an ideological filter, so that people not identified with the State government establishment and the PCC cannot occupy elective public office.

24. In that regard, the Commission observes that, although the law technically permits free political participation by citizens, in practice the Communist Party continues to regulate, control, and direct electoral processes in the country. It further notes that the official departure of former President Raúl Castro from Communist Party leadership did not result in changes in terms of political participation and opening to party and ideological pluralism.¹⁴

25. In March 2023, general elections for the National Assembly of the People's Power (ANPP-its Spanish acronym) were held. The aim of this process, which has taken place every five years since 1993, was to ratify a slate of 470 candidates (one for each of the 470 seats in the legislature), who will serve for the 2023-2028 term.¹⁵

26. Regarding those elections, the Commission took note of civil society organization reports of multiple irregularities throughout the electoral process, especially the absence of pluralism and genuine possibility of participation by opposition candidate, as well as the intimidation and persecution endured by organizations and activists that sought to monitor and observe the electoral process.¹⁶ It notes that, as a result, conditions are still not present for genuine political participation by groups of different lines of thought.

27. As held by the IA Court HR in the case of *Castañeda Gutman v. Mexico*, 2008, although the inter-American system also does not impose a specific electoral system or a specific means of exercising the rights to vote and to be elected, there are general guidelines that determine a minimum content of political rights that must be followed.¹⁷ Therefore, as held by the Court in the case of *Yatama v. Nicaragua*, 2005, "the full scope of political rights cannot be restricted in such a way that their regulation or the decisions adopted in application of this regulation prevent people from participating effectively in the governance of the State or cause this participation to become illusory, depriving such rights of their essential content."¹⁸

28. In the case of Cuba, the IACHR notes that restrictions on the exercise of political participation, stemming from the single party system and concentration of power in a single political group, result in the hollowing out of the essential content (minimum content) of political rights. This, in turn, contributes to the formation of a political structure characterized by the absence of democratic institutions.

2. Concentration of authorities and powers for the conduct of public affairs

¹² Statements received by the IACHR in the framework of the Report on the Situation of Human Rights in Cuba, [Cuba2020-en.pdf \(oas.org\)](#) OAS/Ser.L/V/II. Doc. 2, February 3, 2020, par. 155.

¹³ According to the Constitution of Cuba, the Nominating Committees are bodies charged with preparing and presenting proposed candidacies for deputies to the National Assembly of the People's Power and filling the vacancies with those elected by it and the municipal assemblies of the People's Power. Cuba, Gaceta Oficial, Law No. 127 "Electoral law" (GOC- 2019-735-O60), August 19, 2019. Available at: <https://www.gacetaoficial.gob.cu/>, Article 152.

¹⁴ *Granma*, [Miguel Díaz-Canel Bermúdez elected as First Secretary of the Central Committee of the Communist Party of Cuba \(+Video\) > 8vo. Congress of the PCC > Granma - Official organ of the PCC](#), March 19, 2021; *Los tiempos*, [Raul Castro Leaves, But Will Remain Present in Strategic Decisions in Cuba | The Times \(lostiempos.com\)](#), April 20, 2021; *El país*, [Miguel Díaz-Canel assumes the leadership of the Cuban Communist Party after the departure of Raúl Castro | International | THE COUNTRY \(elpais.com\)](#), April 19, 2021.

¹⁵ Cuba, National Assembly of the People's Power, [Cuba won!: The vote prevailed for all the candidates \(+PDF of final results by municipalities and Video of Press Conference\) \(gob.cu\)](#), April 2, 2023.

¹⁶ Demo Amlat: Electoral Transparency, Elections in Cuba 2023: record abstention and unverifiable results [INFORME-CUBA-ELECCIONES-INGLES-1.pdf \(demoamlat.com\)](#).

¹⁷ IA Court HR. *Case of Castañeda Gutman v. Mexico*. Preliminary objections, merits, reparations and Costs. Judgment of August 6, 2008. Series C No. 184, par. 166.

¹⁸ IA Court HR. *Case of Yatama v. Nicaragua*. Preliminary Objections, Merits, Reparations and Costs. Judgment of June 23, 2005. Series C No. 127, par. 204.

29. As indicated above, Article 3 of the Inter-American Democratic Charter lists among the essential elements of representative democracy, the separation and independence of the branches of government. In that regard, the IA Court HR emphasized, in *Advisory Opinion 28, of 2021*, that:

[t]he separation of State powers into different branches and organs is linked closely with the aim of preserving related freedoms, with the understanding that concentration of power leads to tyranny and oppression. At the same time, the separation of State powers allows for the efficient fulfillment of the various aims entrusted to the State.¹⁹

30. In the same vein, the Inter-American Court has held that “the separation and independence of powers assumes the existence of a system of controls and oversight to constantly regulate the balance of powers.”²⁰ This system of “checks and balances” requires, therefore, the existence of guarantees that allow the branches to act freely and autonomously, without interference or subordination of one to another.²¹

31. In the case of Cuba, the Commission notes that the National Assembly of the People’s Power (ANPP) remains an institution with broad powers to enact laws and to elect the leaders of the most important judicial, oversight, and administrative institutions.²²

32. The foundations of the State and the characteristics of the branches of government show that the main powers for the conduct of public affairs remain concentrated on a small number of authorities. An extremely high number of authorities is concentrated in the National Assembly of People's Power, including the appointment of those who will hold other positions in the State. In addition, the possibility of removing officials would seem to undermine independent and impartial decision-making.²³

33. The Commission considers that this structure, which has not changed in 2023, continues to create an environment in which political affiliation and loyalty to the government and its ideology are essential requirements for accessing and remaining in the aforesaid posts. This situation perpetuates a structure where power and decision-making remain concentrated in the governing political group, rather than in the hands of diverse and truly democratic representatives. This also leads to the impossibility of implementing reforms in the country.

3. Subordination of justice administration to the political establishment

34. Regarding the right to justice, the American Declaration, Article XVIII, provides that: “Every person may resort to the courts to ensure respect for his legal rights. There should likewise be available to him a simple, brief procedure whereby the courts will protect him from acts of authority that, to his prejudice, violate any fundamental constitutional rights.”²⁴ In its Article XXVI, the Declaration also provides for the right

¹⁹ IA Court HR. *Presidential Reelection without Term Limits in the Context of the Inter-American Human Rights System*. (Interpretation and scope of articles 1, 23, 24, and 32 of the American Convention on Human Rights, XX of the American Declaration on the Rights and Duties of Man, 3(d) of the Charter of the Organization of American States and of the Inter-American Democratic Charter). *Advisory Opinion OC- 28/21*, of June 7, 2021. Series A No. 28, par. 80.

²⁰ IA Court HR. *Presidential Reelection without Term Limits in the Context of the Inter-American Human Rights System*. (Interpretation and scope of articles 1, 23, 24, and 32 of the American Convention on Human Rights, XX of the American Declaration on the Rights and Duties of Man, 3(d) of the Charter of the Organization of American States and of the Inter-American Democratic Charter). *Advisory Opinion OC- 28/21*, of June 7, 2021. Series A No. 28, par. 82.

²¹ IACHR, [7-IA2022 Cap 4B CU EN.pdf \(oas.org\)](#), 2022, par. 30.

²² Article 109 of the Constitution establishes all its electoral authorities. The National Assembly elects from among its deputies the President and Vice President of the Republic. It also elects the members of the Council of State; and designates, on the nomination of the President of the Republic, the Prime Minister, and members of the Council of Ministers. It also elects the President and Magistrates of the Supreme People’s Court, the Prosecutor General of the Republic, the Comptroller General of the Republic, and the President and members of the National Electoral Council. Cuba, *Gaceta Oficial, Constitution of the Republic (GOC-2019-406-EX5)*, April 10, 2019. Available [in Spanish] at: https://www.gacetaoficial.gob.cu/sites/default/files/goc-2019-ex5_0.pdf. English translation Available at: [Cuba 2019 Constitution - Constitute \(constituteproject.org\)](#).

²³ IACHR, Report on the Situation of Human Rights in Cuba, [Cuba2020-en.pdf \(oas.org\)](#) OAS/Ser.L/V/II. Doc. 2, February 3, 2020, par. 113.

²⁴ [OAS :: IACHR : Basic Documents in the Inter-American System](#), Adopted at the Ninth International Conference of American States, Bogotá, Colombia, 1948.

to a regular process, establishing that “[e]very person accused of an offense has the right to be given an impartial and public hearing, and to be tried by courts previously established in accordance with pre-existing laws, and not to receive cruel, infamous or unusual punishment.”²⁵

35. Moreover, with regard to judicial independence, the Inter-American Court considers that:

... the right to be tried by an impartial judge or court is a fundamental guarantee of due process. In other words, it must be ensured that the judge or court hearing a case does so based on the utmost objectivity. Furthermore, the independence of the Judiciary from the other State powers is essential for the exercise of judicial functions.²⁶

36. Regarding Cuba, the Commission notes that although Article 150 of the 2019 Constitution provides that: “The magistrates and judges, in their function of imparting justice, are independent and owe obedience solely to the law”,²⁷ testimony received by the IACHR from former members of the Cuban judicial system indicate that in practice, judicial independence is not respected. Notable among such testimony is:

Judicial independence, as established by the Constitution, the law of the courts and the law of the prosecution, is not achieved in practice. Everything is judicial arbitrariness in all senses and processes. [...] Since the complaint is filed, the investigative process is opened, and it is presented to the court, arbitrariness has been verified. Everything is directed by the Communist Party and the interests of the Government, structures that have the “leading voice” in all the processes in which they have an interest.²⁸

Judicial independence is highly compromised in Cuba, since all the actors have to be part of the Communist Party of Cuba. Independence is very well conceived from the legal and constitutional point of view, but, in practice, the pressures to which we are subjected force us away from what we would like to do.²⁹

37. The Commission also notes that the Assemblies of the People’s Power have great influence in the appointment of judges, to which judges must account for their acts. They can be removed by the body that elects them.³⁰ So that judges whose ideology does not align with that of the government are persecuted and removed from office, undermining the integrity of the judicial system.³¹ Regarding the Attorney General of the Republic, the Constitution provides that it is an indivisible unit, hierarchically subordinate to the President of the Republic.³² In the view of the Commission, these provisions violate the fundamental principle of separation of powers and negatively impact citizen confidence in the impartiality of the judicial system.

38. The lack of judicial independence also has serious repercussions for decisions of judges. In specific cases of dissidents and activists, it has been reported that there is no impartiality, and guarantees such as public trials, are not fulfilled.³³

²⁵ OAS :: IACHR : Basic Documents in the Inter-American System, Adopted at the Ninth International Conference of American States, Bogotá, Colombia, 1948.

²⁶ IA Court HR. Case of Palamara Iribarne v. Chile. Merits, Reparations, and Costs. Judgment of November 22, 2005. Series C No. 135, par. 145.

²⁷ Cuba, Gaceta Oficial, Constitution of the Republic (GOC-2019-406-EX5), April 10, 2019. Available at [in Spanish] at: https://www.gacetaoficial.gob.cu/sites/default/files/goc-2019-ex5_0.pdf. Article 150. English translation Available at: [Cuba 2019 Constitution - Constitute \(constituteproject.org\)](https://www.constituteproject.org/Cuba_2019_Constitution).

²⁸ IACHR, [Cuba derechos laborales EN.pdf \(oas.org\)](#), OAS/Ser.L/V/II. Doc. 53, April 5, 2023, par. 345 (Interview 41).

²⁹ IACHR, [Cuba derechos laborales EN.pdf \(oas.org\)](#), OAS/Ser.L/V/II. Doc. 53, April 5, 2023, par. 345 (Interview 52).

³⁰ Cuba, Gaceta Oficial, Constitution of the Republic (GOC-2019-406-EX5), April 10, 2019. Available [in Spanish] at: https://www.gacetaoficial.gob.cu/sites/default/files/goc-2019-ex5_0.pdf, Articles 149, 154-155.

³¹ IACHR, interviews of P.O.R.; F. Y.Y.; A.R.Y., and S.F.M, August 12, 2022. IACHR Archives.

³² Cuba, Gaceta Oficial, Constitution of the Republic (GOC-2019-406-EX5), April 10, 2019, Available [in Spanish] at: https://www.gacetaoficial.gob.cu/sites/default/files/goc-2019-ex5_0.pdf. Chapter VI - Attorney General of the Republic. English translation Available at: [Cuba 2019 Constitution - Constitute \(constituteproject.org\)](https://www.constituteproject.org/Cuba_2019_Constitution).

³³ Human Rights Watch, [World Report 2023: Cuba | Human Rights Watch \(hrw.org\)](#), 2023.

39. In its report on Labor and Union Rights in Cuba, published in April 2023, the IACHR noted serious breaches of due process in the framework of labor processes, including: lack of autonomy and impartiality of the Labor Justice Bodies; obstacles to obtaining legal representation through the National Organization of Collective Law Firms (ONBC-its Spanish acronym) and, even when it can be obtained, it may be partial, owing to the broad influence of the government on the ONBC; failure to state grounds for decisions in labor cases; and lack of effective review of the judgments of the Labor Justice Bodies by the municipal courts, which ought to function as second tier courts.³⁴

40. In addition, in the context of the hearing to follow up on precautionary measures for beneficiaries deprived of their freedom, held on November 7, 2023, the Commission took note of the claims of civil society regarding structural violations of due process, such as lack of judicial protection in cases of deprivation of liberty; inexistence of independent defense attorneys; organizational legal subordination of judges and courts to the political establishment; limited use of evidence and limitation of the right of self-defense; summary proceedings with verbal judgments of which there is no documentary record; and use of military criminal proceedings against civilians.³⁵

41. In this regard, the Commission notes that the operation of the judicial system in Cuba reflects the subordination of the judiciary to the political establishment, conducing to the lack of true separation and autonomy of the branches of government and implying a total lack of legal certainty and effective access to justice, and judicial protection. This has direct impact as the violation of the rights to justice (Article XVIII) and to fair due process (Article XXVI) established in the American Declaration of the Rights and Duties of Man. With regard to the latter, the lack of independence of the judiciary undermines its capacity to guarantee the full exercise of human rights. Therefore, this not only compromises its ability to provide fair and impartial trials with the aim of ensuring human rights, but also threatens the effectiveness of the rule of law as a whole.

III. SITUATION OF HUMAN RIGHTS IN CUBA

A. Systematic, serious, and massive human rights violations

42. For decades, the IACHR has noted with extreme concern the arbitrary restrictions on the people's rights of assembly and to freedom of expression and ongoing violations of the human rights to liberty, security, well-being, protection against arbitrary detention, the inviolability of the home, essential judicial guarantees, and judicial protection, to which political dissidents, social leaders, activists, human rights defenders, and independent journalists are subjected. During 2021, 2022, and 2023, the IACHR observed increased repression of dissent, especially since the July 2021 protests in Cuba.³⁶

43. The Commission considers these State practices to be massive, serious, and systematic human rights violations. This conclusion is based on the large number of victims, the grave nature of the violations, and certain patterns of conduct carried out with State resources that reflect a policy defined and endorsed at the highest level of government. Therefore, the IACHR considers that the current situation of human rights in Cuba meets the criteria of Article 59(6)(c) of its Rules of Procedure.

44. Described below are the main violations identified in 2023.

1. Human rights defenders

45. The IACHR notes that, in 2023, the situation of human rights defenders remains a concern. According to information received and the monitoring carried out by this Commission, human rights defenders

³⁴ IACHR, [Cuba derechos laborales EN.pdf \(oas.org\)](#), OAS/Ser.L/V/II. Doc. 53, April 5, 2023.

³⁵ IACHR. Thematic hearing "Follow-up of precautionary measures for beneficiaries deprived of their freedom (ex officio)" [OAS :: IACHR :: Hearings](#) 188th period of sessions, Washington D.C., United States, November 7, 2023.

³⁶ IACHR, [7-IA2022_Cap_4B_CU_EN.pdf \(oas.org\)](#), 2021.

in Cuba continually confront harassment and arbitrary violations of the rights to freedom of movement, freedom, security, and personal integrity.

46. According to the organization Article 19, in the first six months of 2023, at least 47 acts of aggression against human rights defenders took place, among them, arbitrary detentions, deprivations of liberty, home arrests, and obstacles to entering or leaving the country, among others.³⁷

47. In addition, the Commission again received information on de facto bans on peaceful protests in various religious places in Havana and different provinces of Cuba by members of the *Damas de Blanco* (Ladies in White) to pray for the release of family members deprived of liberty. The Commission heard the case of Ania Zamora, mother of political prisoner Sissi Abascal, who was detained on September 24, 2022, near a church in Matanzas locality for praying for her daughter's release.³⁸

48. Moreover, Cuban State authorities continue to arbitrarily detain human rights defenders in order to obstruct their activities. In September, information was received on the detention of activist and Cubalex attorney Julio Ferrer Tamayo, days after he filed a complaint against the National Assembly of [People's] Power. During his detention, State authorities allegedly "suggested" that he cease to bring legal actions against State authorities and that it would be better for him to devote himself to personal matters.³⁹ That same month, the Commission also learned of multiple detentions by State officials of opposition leader Guillermo Fariñas. On September 15, he was detained when he was leaving home. According to the information, State authorities prohibited him from leaving home for three days, dates coinciding with the G77+China Summit that was held in the State.⁴⁰ Previously, on July 31, he had been detained in Santa Clara, Villa Clara when he was preparing to travel to Havana to pay tribute to opposition member Vladimiro Roca.⁴¹

49. In June, the Commission learned of the arrests of Manuel Cuesta Morúa, María Mercedes Benítez, and Juan Antonio Madrazo to prevent them from reaching the headquarters of the Citizens Committee for Racial Integration (*Comité Ciudadanos por la Integración Racial*), in El Vedado, where a presentation was given on "Shanti," a global strategy for addressing the institutional violence allegedly occurring in Cuba.⁴² The Commission also learned of the detention of activist Fernando Vázquez, on June 14, in Havana, just before the start of a march to the National Department of Jails and Inmates, Ministry of the Interior.⁴³ Shortly thereafter, State authorities arrested activists Ana Mary García, Nubia Gavilán, and Diasniurka Salcedo, who were trying to prevent Fernando Vázquez' arrest. The three activists were later released.⁴⁴

³⁷ Article 19, [ARTICLE 19 analyses freedom of expression in Cuba during the first half of 2023 - Article 19 \(articulo19.org\)](#), August 24, 2023.

³⁸ IACHR, [res 48-22 mc 264-13 cu en.pdf \(oas.org\)](#), Precautionary Measure No. 264-13, Members from Ladies in White (Ladies in White) regarding Cuba, September 28, 2022, par. 50; Martí Noticias, [Lady in White: "It is very painful that they deprive us of our right to go to church" \(martinoticias.com\)](#), September 26, 2023.

³⁹ Cubalex, [Detienen a abogado de Cubalex Julio Ferrer y le sugieren para acciones legales contra autoridades](#), September 22, 2023.

⁴⁰ DW, [Arrestan de nuevo en Cuba a opositor Guillermo Fariñas](#) [in Spanish], September 16, 2023; *Diario de Cuba*, [Cuban State Security Takes Aim at Activists with G77 Summit as a Pretext | DIARIO DE CUBA](#), September 15, 2023.

⁴¹ *Diario de Cuba*, [Cuban State Security detains Guillermo Fariñas to prevent him from paying tribute to Vladimiro Roca | DIARIO DE CUBA](#), August 1, 2023; [Cuban Regime Orders Arrest of Guillermo Fariñas \(diariolasamericas.com\)](#), undated.

⁴² *Diario de Cuba*, [State Security Detains Three Cuban Activists to Prevent Them from Presenting an Anti-Violence Initiative | DIARIO DE CUBA](#), June 5, 2023; Martí Noticias, [Three activists detained in Havana released to prevent them from reporting on anti-violence proposal \(martinoticias.com\)](#), June 6, 2023; *Diario de Cuba*, [Threat of jail and Immigration Regulation for Promoters of Anti-Violence Initiative in Cuba | DIARIO DE CUBA](#), June 6, 2023.

⁴³ Árbol Invertido, [Alina Bárbara and Fernando Vázquez: two Cubans march peacefully and are arrested by State Security \(arbolinvertido.com\)](#), June 15, 2023.

⁴⁴ Article 19, [ARTICLE 19 analyses freedom of expression in Cuba during the first half of 2023 - Article 19 \(articulo19.org\)](#) August 24, 2023; Martí Noticias, [After 12 hours in detention, the doctor who announced a protest in Havana for political prisoners is released \(VIDEO\) \(martinoticias.com\)](#), June 15, 2023; Infobae, [The Cuban dictatorship arrested five activists for protesting, including intellectual Alina López Hernández - Infobae](#), June 15, 2023.

50. The Commission has also received information on the arrests of defenders who had held meetings in the context of the visit by representatives of the European Union to Cuba.⁴⁵ Such was the case of Alina López, who, in May, was arrested for protesting the detention of writer Jorge Fernández,⁴⁶ and who met with the representative of the European Union during his visit to Cuba.⁴⁷

51. In addition, the Commission learned of the case of activist Alejandro Garlobo, who was detained on March 2, for allegedly expressing his position against Cuban government policies. According to available information, the defender, in the context of the proceedings against him, did not have a copy of the charges against him or a set date for his trial. Allegedly, his detention conditions are poor, since it was reported that he was having seizures and was malnourished.⁴⁸

52. In another vein, the Commission has continued to monitor the situation of Luis Manuel Otero Alcántara, member of the San Isidro Movement (*Movimiento San Isidro* – MSI, its Spanish acronym), and Maykel Castillo Pérez, who have been deprived of liberty since their conviction in 2022, in a criminal trial in which, according to civil society organizations, fair trial guarantees were not respected.⁴⁹ According to open source information, Luis Manuel Otero, deprived of liberty, went on hunger strike in July 2023.⁵⁰

53. As for other forms of harassment, the IACHR has received information on constant stalking by State Security agents of various activists or human rights protection organizations. Amnesty International has indicated that journalists and activists often find a police presence outside their homes and face an ongoing threat of detention. It noted that, in February 2023, State Security agents detained political opponent Josiel Guía Piloto at his home, who, at the time of his detention, was on hunger strike to protest against his constant harassment and surveillance.⁵¹ In addition, the IACHR learned of the criminal proceedings for defamation of institutions and organizations and the heroes and martyrs against activist Leandro Pupo Garcés, following his Facebook post against the Ministry of the Interior. The trial began in August 2023.⁵²

54. The Commission has also learned of the denial of permission to leave the country to Belkis Domínguez and her husband Oscar Padilla for allegedly contributing to the monthly report on political prisoners prepared by the Center for Human Rights and for her association with opposition member Martha Beatriz Roque. According to the information, in March 2023, two State security officials confirmed the denial of permission to leave because Domínguez and Padilla had visited the home of opposition member Martha Beatriz Roque.⁵³ The Commission also received information on the denial of permission to leave the country to Osvaldo Navarro and Marthadela Tamayo, preventing them from participating in the Fifty-third regular session of the OAS General Assembly, held from June 21 to 23 this year.⁵⁴ In 2022, the Commission learned that both defenders had also been prevented from leaving the country to participate in the Ninth Summit of the Americas

⁴⁵ News European Parliament, [The EU's relationship with Cuba after Borrell's visit | 12-06-2023 | News | European Parliament \(europa.eu\)](#) June 8, 2023; Martí Noticias, [Hundreds of repressive actions in Cuba in June send a message from the regime to Borrell, warns the OCDH \(martinoticias.com\)](#), July 4, 2023.

⁴⁶ Martí Noticias, ["Exercising a constitutional right in a country without political rights": this was Alina López's protest \(martinoticias.com\)](#), April 7, 2023.

⁴⁷ Cuban Observatory of Human Rights, [OCDH: At least 291 repressive actions in Cuba in June, including the arbitrary detention of an activist who met with Borrell - Observe Cuba \(observacuba.org\)](#), July 4, 2023; Martí Noticias, [Hundreds of repressive actions in Cuba in June send a message from the regime to Borrell, warns the OCDH \(martinoticias.com\)](#), July 4, 2023.

⁴⁸ *Diario de Cuba*, [Activist Alejandro Garlobo convulses in prison after suffering fever for days | DIARIO DE CUBA](#), August 14, 2023.

⁴⁹ Amnesty International, [Cuba: Authorities must release prisoners of conscience wrongly convicted a year ago](#), June 23, 2023.

⁵⁰ DW, [Disidente cubano Otero Alcántara concluye huelga de hambre](#), [in Spanish], June 26, 2023.

⁵¹ Amnesty International, [Cuba: Escalated repression: Amnesty International: Submission to the 44th session of the UPR working group, 5 November 2023](#), March 30, 2023; Amnesty International, [Cuba: Ex prisoner of conscience detained](#), February 17, 2023.

⁵² *Diario de Cuba*, [The regime asks for four years of deprivation of liberty for a Cuban accused of 'offending' the MININT on Facebook | DIARIO DE CUBA](#), July 13, 2023; ADN Cuba, [Trial Begins Against Cuban for Facebook Post on Minint | DNA Cuba \(adncuba.com\)](#), August 8, 2023.

⁵³ Cibercuba, [State Security regulates the marriage of Cuban activists \(cibercuba.com\)](#), March 27, 2023.

⁵⁴ Periódico Cubano, [Regime prevents Marthadela Tamayo and Osvaldo Navarro Veloz from leaving Cuba - Cuban News \(noticiascubanas.com\)](#), June 5, 2023; Martí Noticias, [Cuba Prevents Activists from Attending 53rd Regular Session of the OAS \(martinoticias.com\)](#), June 22, 2023.

in the United States.⁵⁵ The Commission reminds the Cuban State that Osvaldo Navarro and Marthadela Tamayo have been beneficiaries of IACHR precautionary measures since 2021.⁵⁶

55. In addition, the Commission continued to receive information on the imposition of fines on human rights defenders as a means of dissuading them from continuing their defense activities. For example, the IACHR learned that activist Dayanna Aranda Batista was fined 8,000 Cuban pesos (approximately \$333) and detained by State Security last May for wearing a sweater with photos of her husband Juan Enrique Pérez Sánchez, detained in 2021.⁵⁷

56. The IACHR has noted that the main aim of imposing fines or other sanctions on human rights defenders for their work and depriving them of liberty is to criminalize their human rights promotion and protection activities, and to discourage them from continuing to advance their causes.⁵⁸ The organs of the inter-American system have indicated that reprisals on human rights defenders have a multiplier effect that goes beyond direct impact on the defender because it has chilling effect on those defending similar causes.⁵⁹

57. In view of the above-described events, the Inter-American Commission considers that the situation of human rights defenders remains of concern. In Cuba, the minimum conditions are not present to guarantee the protection of human rights. It notes that, on the contrary, these activities are carried out in a hostile environment, characterized by intimidation and harassment by State authorities and subjection to unjustified criminal proceedings as a form of criminalization of those seeking to protect human rights in the country.

58. The IACHR reiterates its call on the State to take effective steps to guarantee and protect the rights of human rights defenders, activists, journalists, and other societal leaders. In that regard, the Commission urges the Cuban State to refrain from actions that interfere arbitrarily with the exercise of human rights related to the public arena and to guarantee a propitious environment for the protection of human rights.

2. Persons deprived of liberty

59. Regarding persons deprived of liberty, the Commission reiterates its concern over the lack of up-to-date official data on the situation of this population, the high rate of incarceration, the deplorable incarceration conditions characterizing Cuban prisons, and the use of torture and abuse.

60. As for the lack of data and the high detention rates, the Commission notes that the Cuban State still refuses to publish official information on persons deprived of liberty in Cuba.⁶⁰ The most recent official data were published in 2012, when there were 57,337 detainees in Cuban prisons. However, as the IACHR pointed out in its 2021 and 2022 Annual Reports, this number is far removed from the most recent figure documented by civil society, which is nearly twice that number – as of March 30, 2021, almost 100,000 people in prison.⁶¹ Considering its total number of inhabitants, as reported by the World Bank, and the aforementioned figures, Cuba is one of the world's countries with the per capita highest incarceration rate. This means some 882 people per 100,000 inhabitants are deprived of their liberty.⁶²

⁵⁵ IACHR, 2022 Annual Report, [7-IA2022 Cap 4B CU EN.pdf \(oas.org\)](#), par. 141.

⁵⁶ IACHR, Resolution 7/2021, Precautionary Measure No. 211-20 Juan Antonio Madrazo Luna, Marthadela Tamayo and Oswaldo Navarro Veloz regarding Cuba, January 19, 2021.

⁵⁷ Martí Noticias, [Member of the Cuba in Mourning Movement Arrested and Fined \(martinoticias.com\)](#), May 31, 2023.

⁵⁸ IACHR, Report on the Situation of Human Rights in Cuba, [Cuba2020-en.pdf \(oas.org\)](#), OAS/Ser.L/V/II. Doc. February 23, 2020, par. 193.

⁵⁹ IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, [defenders2011.pdf \(oas.org\)](#), OAS/SER.L/V/II/Doc.66, adopted on December 31, 2011, par. 25.

⁶⁰ In this regard, IACHR, [IA2021cap4B.Cuba-en.pdf \(oas.org\)](#) 2021, par. 121; and IACHR, [7-IA2022 Cap 4B CU EN.pdf \(oas.org\)](#), 2022, par. 150.

⁶¹ IACHR, [7-IA2022 Cap 4B CU EN.pdf \(oas.org\)](#), 2022, par. 150.

⁶² IACHR, [IA2021cap4B.Cuba-en.pdf \(oas.org\)](#), 2021, par. 121; and IACHR, [7-IA2022 Cap 4B CU EN.pdf \(oas.org\)](#), 2022, par. 150. See also: World Bank, [Total Population - Cuba | Date \(bancomundial.org\)](#), 2023; and Cuban Observatory of Human Rights, [OCDH](#)

61. Moreover, the deplorable incarceration conditions in the country's jails continue to be a special focus of this Commission. In particular, in addition to overcrowding, jails are in poor condition, with inadequate food, shortage of water and medicine, lack of medical care, and poor sanitation conditions.⁶³

62. In that regard, the Cuban Prisons Documentation Center (*Centro de Documentación de Prisiones Cubanas*), from March to mid-October 2023, recorded at least 1,028 cases related to inadequate health care and disease in various Cuban detention centers and prisons, which allegedly led to at least five deaths from the lack of or delay in providing medical care.⁶⁴ In addition, available information indicates that such conditions were the cause of a tuberculosis outbreak in Pretensado prison, in Santa Clara.⁶⁵ In addition is the inappropriate classification and separation of detainees, meaning that political detainees allegedly are placed in compounds with dangerous or violent individuals.⁶⁶

63. In this scenario, various protests allegedly took place inside detention centers, primarily led by political detainees, who were demanding basic rights for persons deprived of liberty, and to protest against the harassment of their families by State Security.⁶⁷ Specifically, as of October 2023, the Cuban Prisons Documentation Center had recorded a total of 30 protests and 131 cases of hunger or hunger and thirst strikes. In this context, the leaders were then victims of punishment, isolation, and other forms of torture, or threatened with punishment or transferred to distant prisons.⁶⁸

64. The Commission also reiterates its concern over the persistent abuse and torture in Cuban prisons. According to civil society data, these practices include beatings, suffocation, handcuffing to bars for hours, excessively tight handcuffing during transfers, and indiscriminate handcuffing, as well as arbitrary use of punishment cells with deplorable conditions for excessive periods.⁶⁹ In the same vein, from March to mid-October 2023, the Center for Documentation of Cuban Prisons documented nearly 750 cases involving

[denounces the situation of Covid-19 in prisons in Camagüey \(Cuba\) and the government's lack of transparency in the management of the pandemic - Observa Cuba](#), March 30, 2021.

⁶³ IACHR, [IA2021cap4B.Cuba-en.pdf \(oas.org\)](#), 2021, par. 123; and IACHR, [7-IA2022_Cap_4B_CU_EN.pdf \(oas.org\)](#), 2022, par. 152. See also: Cubalex, [Informe del CAT sobre la situación de los derechos humanos in Cuba - Informe de organizaciones de la sociedad civil en relación al procedimiento de seguimiento de las observaciones finales sobre el tercer informe periódico al Estado cubano \(CAT/C/CUB/CO/3\). Comité contra la Tortura, Julio 2023](#). [CAT report on the situation of human rights in Cuba – civil society organization report on the monitoring of the final observations on the third periodic report to the Cuban State. Committee against Torture, July 2023], August 24, 2023, pars. 7-8; IACHR, Information provided by the Center for Documentation of Cuban Prisons by email, October 21, 2023. IACHR archives; Cubanos por el mundo, [Prisoners denounce poor conditions in Cuban prisons \(cubanosporel mundo.com\)](#), March 22, 2023; and Cubanos por el mundo, [No water and little food in La Bellotex prison in Matanzas \(cubanosporel mundo.com\)](#), February 28, 2023.

⁶⁴ IACHR, Information provided by the Cuban Prisons Documentation Center by email, October 21, 2023. IACHR archives.

⁶⁵ A tuberculosis outbreak in Pretensado prison. An account by the Cuban Human Rights Observatory (in Spanish) (@observacuba). [Publication of March 31, 2023](#). See also: ADN Cuba, [Tuberculosis Outbreak Reported in Cuban Prison | DNA Cuba \(adncuba.com\)](#), March 31, 2023.

⁶⁶ Cubalex, [Informe del CAT sobre la situación de los derechos humanos in Cuba - Informe de organizaciones de la sociedad civil en relación al procedimiento de seguimiento de las observaciones finales sobre el tercer informe periódico al Estado cubano \(CAT/C/CUB/CO/3\). Comité contra la Tortura, Julio 2023](#), [CAT report on the situation of human rights in Cuba – civil society organization report on the monitoring of the final observations on the third periodic report to the Cuban State. Committee against Torture, July 2023], August 24, 2023, par. 8. See also: Cubita now, [Plagues, Hunger and Torture: This Is How 'Critical' the Month of March Was in Cuban Prisons \(cubitanow.com\)](#), April 24, 2023.

⁶⁷ Cubalex, [Informe del CAT sobre la situación de los derechos humanos in Cuba - Informe de organizaciones de la sociedad civil en relación al procedimiento de seguimiento de las observaciones finales sobre el tercer informe periódico al Estado cubano \(CAT/C/CUB/CO/3\). Comité contra la Tortura, Julio 2023](#) [CAT report on the situation of human rights in Cuba – civil society organization report on the monitoring of the final observations on the third periodic report to the Cuban State. Committee against Torture, July 2023], August 24, 2023, par. 10.

⁶⁸ IACHR, Information provided by the Centro de Documentación de Prisiones Cubanas by email, October 21, 2023. IACHR archives.

⁶⁹ Cubalex, [Informe del CAT sobre la situación de los derechos humanos in Cuba - Informe de organizaciones de la sociedad civil en relación al procedimiento de seguimiento de las observaciones finales sobre el tercer informe periódico al Estado cubano \(CAT/C/CUB/CO/3\). Comité contra la Tortura, Julio 2023](#). [CAT report on the situation of human rights in Cuba – civil society organization report on the monitoring of the final observations on the third periodic report to the Cuban State. Committee against Torture, July 2023], August 24, 2023, par. 8.

harassment and repression of persons deprived of liberty, both by authorities and other detainees acting in complicity with incarceration center authorities and State Security.⁷⁰

65. The IACHR also notes that, among all persons deprived of liberty in Cuba, there are special situations that require greater attention, such as **those arbitrarily detained for political reasons**. This is because such persons are subjected to differentiated treatment, marked by violations of due process and judicial guarantees, accusations of the most serious crimes in the Code of Penal Procedure, disproportionate sanctions, physical mistreatment, and psychological violence, and even torture during detention.

66. It should be noted that the American Declaration, Article XXV, expressly establishes the right to protection against arbitrary detention.⁷¹ In addition, based on the IACHR's prior work in this area, it should be noted that what is called "detention for political reasons" is a form of arbitrary detention. Therefore, under inter-American human rights law, it would be more appropriate to refer to the concept of arbitrary detention for political reasons. To establish the existence of this form of detention, at least the following subjective elements should be analyzed: (i) the detainee must have political-ideological differences with the government in power; or (ii) the detainee must have legitimately exercised the fundamental liberties of freedom of expression, freedom of assembly, freedom of association, or protection of human rights, and the objective element of improper use of criminal law must be present. Additionally, the IACHR considers that the work methods of the United Nations Working Group on Arbitrary Detention (WGAD) are useful complementarily in evaluating, first, the arbitrariness of the detention.

67. Based on this criterion, the Commission notes that civil society records indicate that, as of September 2023, there were 1,052 persons arbitrarily detained for political reasons.⁷² In particular, according to a Prisoners Defenders report compiling 181 statements, this population is constantly subjected to various forms of physical and psychological abuse including, in addition to those mentioned, sexual violence for the most part against women, deprivation of liquid and/or food, sleep deprivation, threats, and use of temperature as a torture mechanism, among others.⁷³

68. In this regard, the IACHR underscores its condemnation of all forms of cruel, inhuman, or degrading treatment, and that these acts must be absolutely prohibited in all situations and prevented. It also notes that the States have an obligation to condemn such acts, conduct proactive investigations with due diligence, and punish all their perpetrators, both direct perpetrators and masterminds.⁷⁴

69. On the other hand, in the context of the hearing to follow up on precautionary measures for beneficiaries who are deprived of liberty, held on November 7, 2023, the requesting organizations reported poor detention conditions related to poor hygiene conditions and lack of food and medical care. They emphasized that these conditions disproportionately affect political detainees. In this regard, they recorded mistreatment, confinement in punishment or isolation cells, prolonged or total lack of contact with family members, and denial of access to reduction of sentence. Regarding the lack of adequate and timely medical care, they reported that medication sent by family members is not delivered or is delivered only in part; and necessary exams and check-ups are not given even for those with chronic diseases and those with disabilities.⁷⁵

70. In particular, according to information systematized by the organization Cubalex, persons arbitrarily detained for political reasons are believed to be facing a noticeable medical negligence in Cuba. According to the organization, this is evidenced by the denial of adequate medical treatment for people with

⁷⁰ Information provided by the Center for Documentation of Cuban Prisons by email, October 21, 2023. IACHR archives.

⁷¹ OAS, American Declaration of the Rights and Duties of Man, [OAS :: IACHR : Basic Documents in the Inter-American System](#), Adopted at the Ninth International Conference of American States, Bogotá, Colombia, 1948.

⁷² Prisoners Defenders, [21 New Political Prisoners in Cuba: The Cuban People, Defenseless \(prisonersdefenders.org\)](#), October 11, 2023.

⁷³ Prisoners Defenders, [La tortura en Cuba](#), [in Spanish] May 2023, pp. 14-15, 18. See also: CiberCuba, [Political prisoners face lack of water and poor food in Matanzas prison \(cibercuba.com\)](#), February 27, 2023.

⁷⁴ In this regard, IACHR, [PERSONS DEPRIVED OF LIBERTY IN THE AMERICAS \(refworld.org\)](#), pars. 343 and 350.

⁷⁵ IACHR. Thematic hearing "Follow-up of precautionary measures for beneficiaries deprived of their freedom (ex officio)" [OAS :: IACHR :: Hearings](#) 188th period of sessions, Washington D.C., United States, November 7, 2023.

serious illnesses such as cancer and scleroderma, or those in critical health condition, as well as pregnant women requiring special needs. Moreover, failure to review convictions despite cases of serious health deterioration was also reported⁷⁶. In this regard, on November 21, 2023, the IACHR pronounced on the death of Luis Barrios Díaz, who was deprived of his liberty after participating in the protests of July 11, 2021, in Cuba, and whose death would be related to the absence of adequate medical care in prison. On the occasion, the IACHR called on the State to investigate his death promptly and impartially and recalled the obligation to adopt effective measures to guarantee the rights of persons deprived of their liberty, including timely and adequate health services⁷⁷.

71. Additionally, the IACHR regrets the lack of an independent mechanism for prison monitoring and supervision. In this regard, according to civil society information, the Cuban State has not yet established a specific independent mechanism for unannounced visits to detention sites and for following up on the results of supervision. In this scenario, the Attorney General of the Republic (FGR) and the courts are responsible for supervision of lawfulness in prisons, which would create conflicts of interest, especially considering that the FGR is subordinate to the President of the Republic.⁷⁸

72. In that regard, the IACHR reiterates that to prevent acts of torture, incarceration centers must be subject to constant monitoring and independent oversight to ensure that the treatment of persons deprived of liberty is subject to the most rigorous control, given the special risk they face during deprivation of liberty. To that end, prison management must be governed by strict criteria of transparency, openness, and independent monitoring.⁷⁹

73. Lastly, the IACHR urges the State to take immediate steps or to create *ad hoc* processes for the release of those detained arbitrarily for political reasons, guaranteeing, when necessary, an in-depth review of the proceedings under way against them, respecting the guarantees of due process.

3. Freedom of Expression

a. Attacks on, threats against, and intimidation of journalists and the media

74. As the Special Rapporteur has indicated in earlier reports, home arrests, summoning, and detentions of journalists and media workers remain one of the main tactics used by the government to intimidate them or as a means of inhibiting the exercise of independent and critical journalism. For example, on May 18, 2023, according to reports, journalist and collaborator of *Diario de Cuba* José Luis Tan Estrada was detained and then taken to State Security headquarters of the State of Camagüey when he was visiting activist Ienelis Delgado in the women's jail.⁸⁰ The journalist publicly reported that during the interrogation, he had been threatened with detention and jailed for social media posts and for participating in demonstrations called by Alina Bárbara López Hernández, Professor and Ph.D. in History.⁸¹ According to the journalist's post, State Security agents told him that "demonstrations are prohibited in Cuba, even if peaceful and by just one person."

⁷⁶ Cubalex, Special Report: Critical Health Situation of Prisoners in Cuba [in Spanish]- Update and Monitoring by Cubalex, sent to the IACHR on 21 November 2023.

⁷⁷ Twitter account of IACHR [@CIDH]. November 21, 2023. IACHR calls on the State to promptly and impartially investigate the death of Luis Barrios Díaz on November 19th [in Spanish]. Twitter: <https://x.com/cidh/status/1727083680311460233?s=46>.

⁷⁸ In this regard, Cubalex, [Informe del CAT sobre la situación de los derechos humanos in Cuba - Informe de organizaciones de la sociedad civil en relación al procedimiento de seguimiento de las observaciones finales sobre el tercer informe periódico al Estado cubano \(CAT/C/CUB/CO/3\). Comité contra la Tortura. Julio 2023](#). [CAT report on the situation of human rights in Cuba - civil society organization report on the monitoring of the final observations on the third periodic report to the Cuban State. Committee against Torture, July 2023], August 24, 2023, pars. 4-5 and 12.

⁷⁹ In this regard, IACHR, "Situation of Human Rights in Brazil," [Brasil2021-en.pdf \(oas.org\)](#), February 12, 2021, par. 195; and IACHR, Press Release No. 149/19, [IACHR Concerned About Actions that Affect Brazil's National Mechanism to Prevent and Fight Torture \(oas.org\)](#), June 14, 2019. See also: UN, [The United Nations Standard Minimum Rules for the Treatment of Prisoners \(unodc.org\)](#) (*Nelson Mandela Rules*), E/CN.15/2015/L.6/Rev.1, May 21, 2015, Rules, 83-85.

⁸⁰ Facebook account of Jose Luis Tan Estrada, [May 18, 2023](#) [in Spanish].

⁸¹ Cuban Institute for Freedom of Expression and the Press (ICLEP), [Arrestan arbitrariamente al periodista cubano José Luis Tan en Camagüey](#), [in Spanish] May 19, 2023.

The journalist allegedly was also expelled from *Ignacio Agramonte Loynaz* University of Camagüey for his criticism of and publications against the government.⁸²

75. In addition, last July 23, 2023, ABC correspondent in Havana and *Cubanet* journalist Camila Acosta was reported disappeared after being incommunicado and of whereabouts unknown for six hours. According to available information, Acosta was arrested on Friday morning by two women dressed as civilians who identified themselves as State Security members.⁸³ As this Office learned, the journalist was held incommunicado in a very hot patrol car for two hours as a form of torture. The journalist was then taken to an office in the jail area of the Zanja police station, and then held again in another car for two hours. According to the information reported, the agents stole the phone of the journalist, who realized this after her release.⁸⁴ On July 15, 2023, Acosta had also been the victim of a smear and discreditation campaign during *Razones de Cuba*, a public television program after a private phone call between the journalist and the *América TV* channel was broadcast. During the broadcast, a photo was shown of the journalist, titled “dependent spokesperson” and she was accused of “visibilizing neo-terrorists.” According to the journalist, “[t]he serious thing is that they broadcast audio of my home landline, in violation of communications privacy.”⁸⁵

76. Moreover, in the context of the elections in Cuba, various incidents of repression took place against independent journalists, activists, human rights defenders, and government opponents. According to available information, at least 31 incidents of repression occurred during the March 26, 2023 parliamentary elections, among them, police surveillance and monitoring operations, Internet blackouts, arbitrary detentions, and home arrests.⁸⁶ Ángel Cuza Alfonso, *Cubanet* newspaper collaborator; Rolando Rodríguez Lobaina, *Palenque Visión* channel member; and Juan Manuel Moreno, Enrique Díaz Rodríguez, and Iris Mariño, independent journalists, were under home surveillance by State Security agents, who prevented them from leaving home on election day.⁸⁷ The days prior to the elections, non-official journalists were targeted for pressure and threats for their electoral observation activities.⁸⁸

77. Attacks and intimidation techniques were also reported, such as arbitrary detentions, summoning, and interrogations of independent journalists and media workers in covering social protests. For example, this Office learned of a lieutenant colonel of Caimanera State Security, said to have appeared on May 7, 2023, at the home of freelance journalist Yeris Curbelo Aguilera to summons him verbally to questioning owing to his coverage of the protest in Caimanera, Guantánamo.⁸⁹ The journalist had been documenting various acts of aggression, and the arrest by State Security members of five demonstrators.⁹⁰ On May 8, 2023, the journalist appeared at the State Security premises, where they told him that “they could not help him and that they knew about the reports he had made to international media and his interview with the mothers of those detained during the May 6 protests.”⁹¹ As this Office learned, the journalist had been fined in 2021, based on Decree Law 370, on the computerization of society in Cuba, and arrested for publishing a video of a man protesting in front of the Caimanera police station.⁹²

78. In earlier reports, the Special Rapporteur expressed concern regarding the renouncing of independent journalism, and that the forced exile of communicators is, with increasing frequency, one of the

⁸² *Diario de Cuba*, [State Security arrests and threatens DIARIO DE CUBA journalist José Luis Tan Estrada | DIARIO DE CUBA](#), May 18, 2023.

⁸³ Article 19, [Cuba: Journalist Camila Acosta Illegally and Forcibly Disappeared for a Short Time - Article 19 \(articulo19.org\)](#), June 29, 2023.

⁸⁴ *Cubanet*, [Political Police Release CubaNet Journalist Camila Acosta](#), June 23, 2023.

⁸⁵ ABC International, [New smear campaign by the Cuban regime against the ABC correspondent](#), July 18, 2023.

⁸⁶ Cubalex, [Informe mensual sobre la situación de los derechos humanos in Cuba](#), [in Spanish], March 2023.

⁸⁷ Cubalex Twitter account (@CubalexDDHH), [March 26, 2023](#).

⁸⁸ Listin Diario, [listindiario.com/la-republica/2023/03/26/768744/denuncian-actos-de-represion-a-periodistas-y-disidentes-en-elecciones-en-cuba.html](#), March 26, 2023.

⁸⁹ Article 19, [Cuban journalist Yeris Curbelo Aguilera suffers harassment for his work - Article 19 \(articulo19.org\)](#), May 11, 2023.

⁹⁰ ADN Cuba, [Activist Yeris Curbelo Summoned for Questioning for Covering Protests in Caimanera | DNA Cuba \(adncuba.com\)](#), May 9, 2023.

⁹¹ Article 19, [Cuban journalist Yeris Curbelo Aguilera suffers harassment for his work - Article 19 \(articulo19.org\)](#), May 11, 2023

⁹² 14ymedio, [Cuban Police Summon Journalist Who Interviewed Relatives of Caimanera Detainees - 14ymedio](#), May 8, 2023.

main options to confront the escalating repression of the Government against the independent press.⁹³ In 2023, this Office learned that, according to reports, journalist and *Diario de Cuba* collaborator Yoel Acosta Gámez had been summonsed for questioning by State Security agents, during which he had been threatened and forced to leave the country by April 1 because he had posted a request on Facebook for the release of political prisoners in Cuba.⁹⁴ According to the journalist's public report, the officials told him that they could provide him with a passport for travel "without him having to pay for it," and that he only had to "appear at the MININT unit the following Monday to be interviewed by the high command, State Security officials." Otherwise, he would be "tried in the courts and sentenced to 15 years of imprisonment."⁹⁵ According to reports, in January 2023, writer and independent journalist Jorge Enrique Rodríguez was interrogated by State Security agents and forced to leave the country. According to available information, the agents told him that he "would have no life as long as he stayed here."⁹⁶

79. This Office has previously commented on the growing trend among Cuban authorities to impose restrictions on and obstacles to entry to and departure from the country by independent journalists and activists. As of April 2023, journalists Reinaldo Escobar, Boris González Arenas, Inalkis Rodríguez, Camila Acosta, Julio Aleaga, Jorge Enrique Rodríguez, Iris Mariño, Rolando Rodríguez Lobaina, and Henry Constantín are still prohibited from leaving the country, according to the Inter-American Press Association (IAPA).⁹⁷ The situation of freedom of movement in Cuba was analyzed by the IACHR at a public hearing held during the 186th period of sessions. According to information reported by Cuban civil society organizations, cancelled flights, migration controls, threats of forced expatriation, and home arrests are examples of what is used by authorities to punish those who criticize the government.⁹⁸ In that regard, the Special Rapporteur for Freedom of Expression, Pedro Vaca Villarreal, has indicated that restrictions on movement in Cuba are clear "punishment of those wishing to express themselves."⁹⁹

80. Lastly, the Special Rapporteur notes with particular concern that jail continues to be a place frequented by journalists and media workers who report matters of public interest. In earlier reports, this Office has drawn attention to the detention and sentencing of reporter Lázaro Yuri Valle Roca to five years of imprisonment for allegedly committing the crimes of ongoing resistance and enemy propagandizing. As the Special Rapporteur learned, the journalist had been convicted for publications on the YouTube channel of the nongovernmental organization *Delibera*, and for participating in the throwing [from a building] of over 500 brochures on which was written "Fatherland and life," which "were intended to confuse and incite the people to demand rights already achieved by the Cuban Revolution."¹⁰⁰ Two years since his detention, the reporter remains in prison with serious health problems, as reported by the Inter-American Press Association (IAPA) and other human rights organizations.¹⁰¹

81. This Office emphasizes that journalism is the primary and principal manifestation of freedom of expression, since journalists and the media keep society informed of matters of public interest and contribute

⁹³ IACHR, 2022 Annual Report, [IA2022 Anexo RELE EN.pdf \(oea.org\)](#), OAS/Ser.L/V/II. Doc.50/23 v. 2, March 6, 2023, par. 453.

⁹⁴ *Diario de Cuba*, [Journalist Yoel Acosta denounces threats to force him to leave Cuba | DIARIO DE CUBA](#), March 21, 2023.

⁹⁵ CiberCuba. January 28, 2023. [Cuban Government Threatens Activist Yoel Acosta to Force Him to Leave the Country \(cibercuba.com\)](#).

⁹⁶ ADN Cuba, [Journalist threatened to leave Cuba | DNA Cuba \(adncuba.com\)](#), January 2, 2023; Cubanos por el Mundo, [Cuban journalist Jorge Enrique Rodríguez threatened by the SE \(cubanosporelmundo.com\)](#), January 2, 2023; Martí Noticias, [State Security wants to force independent journalist Jorge Enrique Rodríguez to emigrate \(martinoticias.com\)](#), January 1, 2023.

⁹⁷ Inter-American Press Association (IAPA), [Cuba \(sipiapa.org\)](#), April 23, 2023.

⁹⁸ Inter-American Commission on Human Rights / Youtube, [186 PS - 12 - CU | Derecho a la circulación de las personas in Cuba](#), March 15, 2023.

⁹⁹ Inter-American Commission on Human Rights / Youtube, [186 PS - 12 - CU | Derecho a la circulación de las personas in Cuba](#), March 15, 2023.

¹⁰⁰ IACHR, 2022 Annual Report, [IA2022 Anexo RELE EN.pdf \(oea.org\)](#), OAS/Ser.L/V/II. Doc.50/23 v. 2, March 6, 2023, par. 451.

¹⁰¹ Inter-American Press Association (IAPA), [Cuba \(sipiapa.org\)](#), April 23, 2023; Article 19, June 15, 2023, [Two Years After the Arbitrary Detention of Independent Journalist Lázaro Yuri, Freedom of Expression Continues to Be Punished in Cuba - Article 2 \(articulo19.org\)](#), April 23, 2023.

to wide-ranging, robust, and pluralistic public debate.¹⁰² Therefore, the States have the obligation to generate conditions so that journalists can fulfill their function independently and safely.¹⁰³

82. According to Principle 9 of the IACHR's Declaration of Principles on Freedom of Expression, intimidation and threats targeting reporters violate fundamental rights and severely restrict freedom of expression. The IACHR and its Special Rapporteur have found that such actions are intended to restrict or impede journalists' investigations into violations, abuses, irregularities, and crimes of all kinds, whether perpetrated by government officials or by individuals. They are also intended to send a frightening message to all those in civil society who investigate irregularities in public administration. The RELE has also maintained that this practice seeks to muffle the press as a mechanism for control, preventing society from being informed about events of public interest.¹⁰⁴

b. Persecution of critics and closing of the civic arena

83. The Commission and its Special Rapporteur continue to note government persecution of different segments of society, including political opponents, activists, academics, artists, human rights defenders, and any dissident voice or voice not aligned with government interests. For example, according to reports, on March 9, 2023, 30 officials of the Ministry of Interior (MININT), the Technical Investigations Department (DTI), and State Security entered the home of influencer and Cuban professor Hilda Núñez Díaz. The agents took her cell phone, computer, and other items used to record and document various matters of general interest.¹⁰⁵ Through her Twitter and Facebook accounts, the professor posted that she had been detained and interrogated in the Santiago de Cuba operations center for "using social media to discredit the government."¹⁰⁶ According to available information, Núñez Díaz had recently received threats from DTI agents, who told that "she could not record in Havana and if she did, there would be problems (...) to consider it carefully" because she is a mother.¹⁰⁷ According to Cubalex open source reports, in March 2023, similar cases occurred regarding Luis Amado Robert,¹⁰⁸ Yahoo Mena,¹⁰⁹ Leydiana Cazañas Amador,¹¹⁰ and Aniette González¹¹¹ for their social media posts.

84. According to available information, on April 20, 2023, State Security agents detained Cuban activist and artist Yasmani González Valdés at the Villa Marista teaching center after searching her house, as part of a process to investigate him for allegedly painting graffiti containing anti-government messages.¹¹² After a month in detention, González was transferred to the Combinado del Este prison in Havana, as reported by his wife.¹¹³ As this Office learned, González had been summonsed earlier, in early April 2023, to the Zanja station, where he was linked to the *El Nuevo Directorio* group, an anti-government peaceful action group.¹¹⁴

¹⁰² IA Court HR, Advisory Opinion OC-5/85, "Compulsory Membership in an Association Prescribed by Law for the Practice of Journalism (Arts. 13 and 29 Inter-American Convention on Human Rights)," November 13, 1985, par. 71.

¹⁰³ IACHR, Special Rapporteur for Freedom of Expression, Inter-American Legal Framework Regarding the Right to Freedom of Expression, OAS/Ser.L/V/II IACHR/RELE/INF. 2/09, December 30, 2009, par. 8 and par. 165 ff.

¹⁰⁴ IACHR. Undated. Background and Interpretation of the Declaration of Principles.

¹⁰⁵ CiberCuba, [State Security detains and searches the home of Cuban youtuber Hildina \(cibercuba.com\)](#), November 3, 2023.

¹⁰⁶ Hildina / Facebook, [March 9, 2023](#).

¹⁰⁷ CiberCuba, [Cuban YouTuber Hildina Released After Being Fined and Threatened \(cibercuba.com\)](#), November 3, 2023.

¹⁰⁸ *Diario de Cuba*, [Promoting abstention in Cuba is incitement to commit crimes: regime detains two journalists | DIARIO DE CUBA](#), March 25, 2023.

¹⁰⁹ X account of Presos Políticos de Cuba (@PresosCuba), [April 10, 2023](#).

¹¹⁰ ADN Cuba, [They denounce that another Cuban mother was arrested by State Security | DNA Cuba \(adncuba.com\)](#), March 30, 2023.

¹¹¹ *Diario de Cuba*, [Cuban Aniette Gonzalez Is Detained for Joining the 'The Flag Belongs to Everyone' Initiative | Diario de Cuba](#), March 27, 2023.

¹¹² Twitter account of the Observatory of Cultural Rights (@CubaODC), [April 21, 2023](#).

¹¹³ *Diario de Cuba*, [After a month in Villa Marista, activist Yasmany González is transferred to the Combinado del Este prison | DIARIO DE CUBA](#), May 20, 2023.

¹¹⁴ 14ymedio, [Cuban activist Yasmany Gonzalez has been detained for three weeks in Villa Marista - 14ymedio](#), May 12, 2023.

85. This office also learned of the home arrest of Cuban comedian Jorge Fernández Era, who is said to be subject to precautionary measures, released on bond, and prevented from leaving the country.¹¹⁵ According to available information, several Cuban comedians and intellectuals signed a petition in defense of the comedian. The letter requests “immediate cessation of the persecution of a colleague who has done nothing other than fulfilling his duty as a comedian and exercising his rights as a citizen.”¹¹⁶ For its part, the organization Amnesty International condemned the harassment and home detention of the comedian.¹¹⁷ In addition to these events are other similar detentions of activists and opposition members, among them, Irán Almaguer,¹¹⁸ Mario Alberto Hernández, Alejandro Garlobo, Sulmira Martínez Pérez, Daniel Moreno de la Peña, Esquizander Benítez Moya, and Ienelis Delgado Cué.¹¹⁹

c. Social Protest

86. Two years since the massive protests in Cuba, the Commission and the Special Rapporteur have again condemned the persistent state repression of persons who participated in or supported the demonstrations, as well as the press that has covered these events. In a press release, the IACHR and its Special Rapporteur indicated that, in the last two years, eight patterns of repression by the State during social protests have been documented. These are mistreatment, criminalization of demonstrators, closing of democratic forums, trials without due process guarantees, restrictive legislative proposals, and censorship in Internet access. The violations of due process also included restrictions on access to criminal files, and lack of appropriate defense and of contact with legal representatives.¹²⁰

87. On the anniversary of the July 11 protests, the Commission and the Special Rapporteur met with civil society organization members of *Red Cuba* to reflect on persisting obstacles and challenges.¹²¹ Of particular concern to the Special Rapporteur is the high number of detainees in the context of demonstrations and social protests in Cuba. According to reports of the organization *Justicia 11J*, which compiles data and disseminates open-source information on public protests in Cuba, from July 2021 to July of this year, 1,880 persons were detained through the repression of social protests. Of these, 773 remain in detention, 909 have been tried and sentenced for their participation in protests, and at least 84 of these have chosen exile upon release or during temporary releases.¹²² According to reports received by this Office, detainees are subjected to abuse and forms of torture, such as deprivation of medical care, food, and communication, as well as physical and verbal aggression.¹²³

88. The Special Rapporteur also notes the institution and continuation of criminal proceedings and sentencing of participants in the July 2021 protests for alleged perpetration of the crimes of sabotage, sedition, contempt, and public disorder. According to reports by activists and Cuban civil society organizations, judicial mechanisms to punish and discourage participation in protests were activated without the respective judicial and due process guarantees. For example, on January 23, 2023, the Provincial People’s Court of Havana convicted 15 July 11, 2021 demonstrators of sedition-related crimes, and sentenced them to four to 13 years of imprisonment.¹²⁴ The Court deemed established “that the convicts traveled around the Havana municipality of Arroyo Naranjo ‘to destabilize the established social and political order in the Republic of Cuba.’”¹²⁵

¹¹⁵ Swissinfo, [Amnesty condemns the "harassment and house arrest" of Cuba's Jorge Fernández Era - SWI swissinfo.ch](#), July 4, 2023.

¹¹⁶ Voice of America, [More than 600 intellectuals demand an end to the "persecution" of Cuban comedian Jorge Fernández Era \(vozdeamerica.com\)](#), July 10, 2023.

¹¹⁷ X account of Erika Guevara Rosas (@ErikaGuevaraR), [July 3, 2023](#).

¹¹⁸ ADN Cuba, [Iran Activist Almaguer Labrada Arrested and Threatened After Criticizing Agreements Between Cuban Regime and Russia | DNA Cuba \(adncuba.com\)](#), May 31, 2023.

¹¹⁹ X account of Justicia11J Detenciones por Motivos Políticos (@justicia11j).

¹²⁰ IACHR, [IACHR and RFOE: 2 Years on from July 11 Protests, the State Must Stop Repression in Cuba \(oas.org\)](#), Press Release 157/23, July 17, 2023.

¹²¹ X account of the IACHR’s Special Rapporteur for Freedom of Expression (@RELE_IACHR), [July 11, 2023](#).

¹²² Justicia11J, June 7, 2023, [2023: Figures update - Justice 11J \(justicia11j.org\)](#).

¹²³ Prisoners Defenders, May 2023, [Torture in Cuba. Launch of the 1st Comprehensive Study \(prisonersdefenders.org\)](#).

¹²⁴ Twitter account of Justicia11J Detenciones for Political Reasons (@justicia11j), [January 25, 2023](#).

¹²⁵ Infobae, [Another 13 15J protesters in Cuba were sentenced to up to 11 years in prison - Infobae](#), January 26, 2023.

According to available information, during the trial, the charges of assault, public disorder, contempt, and inciting crime were changed to sedition.

89. In addition, on January 26, 2023, the Municipal Court of Havana published the conviction of nine demonstrators, with sentences of up to 15 years of imprisonment, for alleged perpetration of the crime of sedition.¹²⁶ The Court connected these individuals to violent acts, such as throwing blunt objects at and aggression against Police agents, occurring in Esquina de Toyo, Diez de Octubre municipality, in July 2021. The Court alleged that these individuals were hoping to form a large conglomeration in pursuance of their aims and stances as enemies of the Revolution with a view to overthrowing the constitutional socialist Government.”¹²⁷ In addition to these criminal trials, others were brought against demonstrators who allegedly had participated in the Covadonga protests, Aguada de Pasajeros municipality, in July 2022,¹²⁸ and in the Línea Street protests in October 2022.¹²⁹

90. In another vein, during 2023, this Office has continued to receive reports of persistent State repression mechanisms and deliberate selective criminalization of persons exercising the rights to freedom of expression, and of assembly and association. As mentioned in earlier reports, the causes motivating the protests are linked to general shortages of food, fuel, and medicine, lack of access to public services, power outages, and demands for respect for civil and political rights.¹³⁰

91. In particular, the Commission and its Special Rapporteur expressed concern over the violence against and repression and arbitrary detentions of demonstrators that occurred during the May 6, 2023 protests at Municipal Government headquarters and Communist Party headquarters in the city of Caimanera, Guantánamo.¹³¹ According to open source information, the protest was repressed by uniformed members of the Special National Brigade of the Ministry of Interior, who assaulted and detained five young demonstrators, among them, Daniel Álvarez Gonzales, Luis Miguel Alarcón Martínez, Felipe Correa Martínez, Yandris Pelier Matos, and Rody Álvarez González.¹³² The Netblocks and CloudFlare Radar Internet monitoring platforms recorded Internet and telephone services blackouts in the area of the protests and other points in the country.¹³³ According to the Ministry of the Revolutionary Armed Forces (MINFAR) “in Caimanera Municipality, there was undisciplined behavior by drunken individuals at a public party.”¹³⁴ The President of the Assembly of People’s Power in Caimanera, Saimara Lllamaré Galano, also reported that “there will be no impunity in connection with events of this type, which are an assault on social peace, and the wrongdoers will be brought before the judicial bodies with all constitutional guarantees and respect for their rights.”¹³⁵

92. The Special Rapporteur reiterates that social protest, which includes the exercise of the right to freedom of peaceful and unarmed assembly, freedom of association, and freedom of expression, is a fundamental tool for the defense of democracy and human rights, and the State has an obligation to respect, protect, and guarantees these rights.¹³⁶ Regarding the obligation of respect, the IACHR and its Special

¹²⁶ SwissInfo, [Another 13 15l protesters in Cuba were sentenced to up to 11 years in prison - Infobae](#), January 28, 2023; Infobae, [The Cuban dictatorship sentenced 9 other 11l protesters to sentences of up to 15 years in prison - Infobae](#), January 28, 2023.

¹²⁷ EFE, [Jail sentences for 9 11l demonstrators in Cuba \(efe.com\)](#), January 28, 2023.

¹²⁸ 14ymedio, [Nine protesters face a military trial in Cienfuegos this week - 14ymedio](#), June 6, 2023.

¹²⁹ Justicia11J, [2023: Figures update – Justice 11J \(justicia11j.org\)](#), June 7, 2023.

¹³⁰ IACHR, 2022 Annual Report, [IA2022 Anexo RELE EN.pdf \(oea.org\)](#), OAS/Ser.L/V/II. Doc.50/23 v. 2. March 6, 2023, par. 461.

¹³¹ IACHR, [IACHR and Its Special Rapporteurship for Freedom of Expression Concerned About Persistent State Repression of Protests in Cuba \(oas.org\)](#), Press Release 086/23, May 12, 2023.

¹³² Article 19, [We demand freedom for the 6 young people detained in the Caimanera protests in Guantanamo, Cuba - Article 19 \(articulo19.org\)](#), May 11, 2023; 14ymedio, [Internet shutdowns and 'black berets' to repress hundreds of protesters in Cuba - 14ymedio](#), May 7, 2023.

¹³³ X account of NetBlocks (@netblocks), [May 6, 2023](#); X account of Cloudflare Radar (@CloudflareRadar), [May 6, 2023](#); Infobae, [Repression in Cuba: the dictatorship arrested at least five demonstrators after the protests in Caimanera and cut off internet access - Infobae](#), May 7, 2023.

¹³⁴ X account of Minfar_Cuba (@MinfarC), [May 7, 2023](#); El Diario de Cuba, [Cuban Regime Lies About Caimanera Protest: 'Indiscipline of Drunks at a Party' | DIARIO DE CUBA](#), May 7, 2023.

¹³⁵ Ciudadano Caimanera portal, [Nota informativa](#), May 8, 2023; CyberCuba, [Cuban Regime Announces Trial of Protesters Detained for Protests in Caimanera \(cibercuba.com\)](#), May 8, 2023.

¹³⁶ IACHR, Special Rapporteur for Freedom of Expression, Protest and Human Rights, [protest and human rights \(oas.org\)](#) OAS/Ser.L/V/II IACHR/RELE/INF.22/19. September 2019, prologue and pars. 1-46.

Rapporteur have considered that “the exercise of freedom of assembly through social protest should not be subject to government authorization or excessive requirements that make it difficult to carry out.”¹³⁷

93. According to a report by the organization Cubalex, repressive action peaked on May 19 and 20, because various organizations had called for a peaceful gathering and protest on the occasion of the 121st anniversary of the Republic of Cuba.¹³⁸ According to open source information, on those dates, State Security agents were patrolling and monitoring the Malecón area of the city of Havana, impeding citizen participation in the protest. For example, activist Niurka Caridad Ortega Cruz, member of *Cuba Independiente Democrática*, was summoned by the Ministry of Interior to appear that day at the Calabazar police station, allegedly to silence her. Again, in a live social media broadcast, Agustín López Canino, leader of the *Cubanos de Adentro y de Abajo* digital portal, reported that police officers were trying to detain him for participating in the march.¹³⁹ As the Rapporteur learned, activist Agustín López Canino was detained on June 19, 2023 at the Calabazar National Revolutionary Police (PNR-its Spanish acronym) substation for allegedly calling for a protest.¹⁴⁰ The newspaper *14ymedio* also publicly reported that part of its text definitively could not be published that day owing to its downed cell phone lines, and that State political police agents had prevented them from leaving the building’s premises.¹⁴¹

94. The Special Rapporteur has also learned of surveillance operations whose alleged aims were silencing, and repression and violence, such as home arrests, fines, summoning, threats, aggression, and detentions of members of civil society organizations, among them, Opposition for a New Republic Movement [*Movimiento Opositores por una Nueva República* - (MONR), Ladies in White [*Damas de Blanco*], the United Anti-totalitarian Forum [*Foro Anti totalitario Unido* - FANTU), Patriotic Union of Cuba [*Unión Patriótica de Cuba* - UNPACU), and the recently created Cuba in Mourning [*Cuba de Luto*] movement.¹⁴² Reports by the Cubalex organization in 2023 indicate that Ladies in White is a constant target of repression and harassment on the Sundays of each month, owing to their protests and religious celebrations to request the release of the political prisoners in Cuba.¹⁴³ According to open source information, Berta Soler, leader of Ladies in White, and her husband, former political prisoner Ángel Moya, were detained at least 17 times in the first six months of 2023.¹⁴⁴ They reported that during one such detention, a State Security agent told them that “this year, he and Berta were ‘going off air’ and to be careful because “the same thing that happened to Mikel Osorbo before he was taken prisoner” could happen to him.”¹⁴⁵ The leaders also reported that they had been under surveillance by State Security agents for their possible participation in the U.S. Independence Day celebrations, organized on July 4, 2023, by the U.S. Embassy, according to Berta Soler in her social network post.¹⁴⁶

d. Legal framework restricting the right to freedom of expression

95. The Rapporteur also points to the adoption of new legislation that impacts and severely restricts the exercise of freedom of expression in Cuba, in contravention of international human rights standards. In particular, in 2023, this Office noted with concern the enactment of the new Media Law, under

¹³⁷ IACHR, Special Rapporteur for Freedom of Expression, Protest and Human Rights, [protest and human rights \(oas.org\)](#) OAS/Ser.L/V/II IACHR/RELE/INF.22/19. September 2019, par. 56.

¹³⁸ Cubalex, [Informe mensual sobre la situación de los derechos humanos en Cuba](#) [in Spanish], May 2023; Cubanet, [Opponents call for peaceful protest on May 20 \(cubanet.org\)](#), May 19, 2023.

¹³⁹ 14ymedio, [Police Operations, Internet Shutdowns and Surveillance Against Activists Mark May 20 in Cuba - 14ymedio](#), May 21, 2023.

¹⁴⁰ Cubanet, [Cuban journalist and blogger Agustín López Canino arbitrarily arrested \(cubanet.org\)](#), June 20, 2023.

¹⁴¹ 14ymedio, [Police Operations, Internet Shutdowns and Surveillance Against Activists Mark May 20 in Cuba - 14ymedio](#), May 21, 2023.

¹⁴² Cubalex, [Informe mensual sobre la situación de los derechos humanos en Cuba](#) [In Spanish]. February 2023; Cubalex, [Informe mensual sobre la situación de los derechos humanos en Cuba](#) [In Spanish]. April 2023.

¹⁴³ Cubalex, [Informe mensual sobre la situación de los derechos humanos en Cuba](#), [In Spanish]. March 2023.

¹⁴⁴ Cubanos por el mundo, [State Security agents keep an eye on Berta Soler \(cubanosporelmundo.com\)](#), July 4, 2023; El Informador, [Ladies in White leader arrested in Cuba for the fifteenth time \(elinformador.com.co\)](#), May 9, 2023; Deutsche Welle (DW), [Cuba: Ladies in White leader arrested and released again - DW - 06/02/2023](#), June 2, 2023.

¹⁴⁵ *Diario de Cuba*, [Regime Cracks Down on Ladies in White on Easter Sunday | DIARIO DE CUBA](#), April 10, 2023.

¹⁴⁶ ADN Cuba, [Opposition Berta Soler denounces surveillance on July 4 | DNA Cuba \(adncuba.com\)](#), July 4, 2023; Cubanos por el mundo, [State Security agents keep an eye on Berta Soler \(cubanosporelmundo.com\)](#), July 4, 2023.

which the restrictions in force on the right to freedom of expression could be tightened and increased and independent news forums in Cuba curtailed.

96. On May 25, 2023, the National Assembly of the People's Power enacted a new Media Law, designed to regulate the National Media System, and establish the organizational and operating principles for all media in the country. In the context of the second special session at which the bill was approved, the President of Cuba emphasized that the law regulates "one of the areas responsible for most attack on Cuba" and "in a context of fierce media warfare." The President affirmed that the law takes "a preventive approach to subversion" and that "it is fundamentally incumbent upon the media to help build the country's image consistent with the attributes that identify the nation and our reality."¹⁴⁷

97. In that regard, the Special Rapporteur noted that the new Media Law limits the generation and dissemination of content – both online and offline – protected by international human rights law, through the imposition of arbitrary prior conditions.¹⁴⁸ For example, Article 13.1 establishes the requirements that the contents must meet to be valid, such as "being verified, contextualized and contrasted as a guarantee of veracity," "adhering to ethics and responsibility," aimed at "promoting peace, inclusion, decency and social coexistence," and "protecting honor, identity, and individual and family privacy." In addition, it prohibits the creation and dissemination of content that aims to "subvert the constitutional order and destabilize socialist rule of law and social justice," "support the media aggression that is developing against the country," "provide insalubrious descriptions" of accidents or criminal acts, "defame, slander, or insult persons, organs, agencies, and entities of the State, political, mass, and civil society organizations of the country," or "appeal to fear or superstition or incite aggressive behavior that encourages cruelty (...) and the destruction of cultural, heritage or natural property." It also prohibits "the use of content prepared from existing images, texts, audios, and videos to create alternate realities for any end or purpose."¹⁴⁹

98. The Special Rapporteur also warned that the law severely restricts the exercise of press freedom by imposing certain duties on journalists and media workers that are excessive, discretionary, and contrary to the very nature of journalistic work. For example, "to report with immediacy, coherence, precision, and adherence to the truth" and "not to collaborate through journalism or make other editorial contribution to social media whose content contravenes the Constitution, this Law, and other normative provisions." Lastly, this Office indicated that the law deepens the situation of illegality of independent journalism, since it prohibits the creation in law of non-state entities whose corporate purpose is the management of a media outlet.¹⁵⁰ For their part, various organizations involved in journalism and freedom of expression have expressed concern regarding the new legislation and its impacts on the exercise of the right to freedom of expression in Cuba.¹⁵¹

99. In that regard, in the context of the thematic hearing on freedom of expression and of the press, and the new media law in Cuba, held on November 7, 2023, the requesting organizations emphasized that the new law is but one more chapter in the deterioration of freedom of expression in Cuba. It enables the State to institutionalize control of freedom of expression, especially of dissidents, independent journalists, activists, artists, and human rights defenders. They also emphasized that the new law is part of a toolkit that includes a variety of forms of persecution and censorship, such as deliberate Internet access blackouts, communications service cuts, cyberbullying, imposition of fines, threats, arbitrary detention, disproportionate

¹⁴⁷ Presidency and Government of Cuba, [Cuba ya tiene su Ley de Comunicación Social](#), May 25, 2023.

¹⁴⁸ IACHR, Special Rapporteur for Freedom of Expression, "The SRFOE expresses its concern about new Social Communication Law in Cuba", [OAS :: Special Rapporteurship for Freedom of Expression](#), Press Release R125/23, June 16, 2023.

¹⁴⁹ IACHR, Special Rapporteur for Freedom of Expression, "The SRFOE expresses its concern about new Social Communication Law in Cuba", [OAS :: Special Rapporteurship for Freedom of Expression](#), Press Release R125/23, June 16, 2023.

¹⁵⁰ IACHR, Special Rapporteur for Freedom of Expression, "The SRFOE expresses its concern about new Social Communication Law in Cuba", [OAS :: Special Rapporteurship for Freedom of Expression](#), Press Release R125/23, June 16, 2023.

¹⁵¹ Reporters without Borders, New digital law tightens clampdown on press freedom in Cuba, [New digital law tightens clampdown on press freedom in Cuba | RSE](#), May 19, 2023; Qué Pasa Media Network, [Independent Journalists, NGOs Sound Alarm Over Cuban Law to Regulate Media | What's going on \(quepasamedia.com\)](#), May 21, 2023.

sanctions, interrogations, trials without due process guarantees, obtaining and improperly using personal information by hacking social media, destruction, and confiscation of works of art, and ongoing surveillance.¹⁵²

e. Freedom of expression and the Internet

100. Cuba has one of the lowest rates of Internet access in the region for the exercise of fundamental freedoms, according to *Freedom of the Net* reports, published annually by the organization Freedom House.¹⁵³ Moreover, according to *Access Now*, an organization that protects and promotes digital rights of at-risk persons and communities, Cuba is “one of the most recidivist countries in the region in causing deliberate Internet blackouts.”¹⁵⁴ As some journalists have indicated, “then I find myself totally incommunicado, which not only prevents me from reporting on [social] media, but also from communicating with my family, since, given the harassment of independent journalists in Cuba, it is normal for my family to worry when these things occur.”¹⁵⁵

101. In 2023, the Special Rapporteur noted a growing frequency of Internet blackouts in the context of protests and other gatherings of activists. For example, in May, reports were received of an alleged Internet blackout during the demonstrations in the municipality of Caimanera, Guantánamo.¹⁵⁶ According to independent media reports, minutes after some videos began to be posted on social networks that showed people shouting “long live free Cuba” and a group of military men inciting physical aggression against demonstrators, Internet mobile data flows began to fail, both of fixed and mobile calls and in text messages. NetBlock, an observatory that monitors Web connection outages worldwide, reported that Internet traffic had ceased on the island following the Caimanera protests.¹⁵⁷ The next day, activists and independent journalists reported that the mobile data blackout continued.¹⁵⁸ Internet blackouts on the cell phones of opposition members, activists, and independent journalists were also reported during the celebrations to mark the 121st anniversary of the founding of the Republic of Cuba, for which some activists had called a protest.¹⁵⁹ As has been mentioned, some text broadcasts of the independent media outlet *14ymedio* were interrupted the entire day.¹⁶⁰

102. The Rapporteur also notes that Cuban authorities have also taken regulatory steps that could restrict the exercise of the right to freedom of expression in digital environments. In April 2023, the Governments of Cuba and China signed a cybersecurity agreement during the working visit to Beijing headed by Vice Prime Minister Jorge Luis Perdomo, as reported by the Ministry of Foreign Affairs of the Republic of Cuba.¹⁶¹ According to available information, the agreement signed by Cuban Minister of Communications Mayra Arevich and Chinese Deputy Minister for Cyberspace Administration Cao Shuming “could be another step by the regime towards strengthening Internet control and censorship on the island.”¹⁶² In addition, Cuban independent media indicated that the agreement would require “all social media services and video platforms to vet user comments before publishing them” and would also expressly prohibit comments that “disseminate information that would alter the normal order and skew public opinion.”¹⁶³

¹⁵² IACHR. Thematic hearing “[Cuba: Libertad de expresión y prensa, y la nueva Ley de Comunicación Social](#)” [in Spanish]. 188th period of sessions, Washington D.C., United States, November 7, 2023.

¹⁵³ Freedom House, [Freedom on the Net 2023](#).

¹⁵⁴ Diario Las Américas, [Authorities shut down the internet in 35 countries in 2022 \(diariolasamericas.com\)](#), March 21, 2023.

¹⁵⁵ AccessNow, [Internet Outage Reported in Cuba Amid Demonstrations Near Guantanamo \(semana.com\)](#), February 2023.

¹⁵⁶ Semana, [Internet Outage Reported in Cuba Amid Demonstrations Near Guantanamo \(semana.com\)](#), May 7, 2023.

¹⁵⁷ X account of NetBlocks (@netblocks), [May 6, 2023](#).

¹⁵⁸ 14ymedio, [Internet shutdowns and 'black berets' to repress hundreds of protesters in Cuba - 14ymedio](#), May 7, 2023.

¹⁵⁹ 14ymedio, [Police Operations, Internet Shutdowns and Surveillance Against Activists Mark May 20 in Cuba - 14ymedio](#), May 21, 2023.

¹⁶⁰ 14ymedio, [Police Operations, Internet Shutdowns and Surveillance Against Activists Mark May 20 in Cuba - 14ymedio](#), May 21, 2023.

¹⁶¹ Ministry of Foreign Affairs of the Republic of Cuba, [Vice primer ministro de Cuba cerró intensa visita de trabajo a China](#), April 9, 2023.

¹⁶² Martí Noticias, [Cuba and China sign agreement on cybersecurity \(martinoticias.com\)](#), April 4, 2023.

¹⁶³ *Diario de Cuba*, [More control in cyberspace: the Cuban government signs an agreement with the Chinese government | Diario de Cuba](#), April 4, 2023.

103. As mentioned above in this report, the National Assembly of the People's Power of Cuba enacted the new Media Law, designed to regulate Internet communications and ban independent media in the country.¹⁶⁴ The text adopted would prohibit, among other things, "dissemination of information that could 'destabilize the Socialist State,' both in media outlets and 'cyberspace.'"¹⁶⁵ The law stipulates that those to subject to the law "are digital content providers when they generate, select, modify, interact with, and/or publish content for network users," and those parties must "take responsibility for the content they generate, select, modify, interact with, and/or publish."¹⁶⁶ The law also prohibits "criticism of high officials, and/or defaming, slandering, or insulting persons, organs, agencies, and entities of the State, and political, mass, and civil society organizations of the country."¹⁶⁷ In the view of Cuban independent journalists, "to violate the law, it would suffice to comment on or react favorably to a publication considered to have the 'aim of undermining the constitutional order' or 'inciting terrorism and cyberwarfare.'"¹⁶⁸ For its part, the Cuban Institute for Freedom of Expression and the Press (ICLEP-its Spanish acronym) commented that the law nullifies public opinion, since only media outlets authorized by the Cuban Communist Party are allowed to channel citizen criticism.¹⁶⁹

104. The Rapporteur notes that just as States must ensure access to public spaces—such as streets, roads, and public squares—for the holding of gatherings, they must also ensure that the Internet is available and accessible to all citizens in order to provide a space for the organization of associations and assemblies for the purpose of taking part in the political life of the country.¹⁷⁰

4. Economic, Social, Cultural, and Environmental Rights

105. The Inter-American Commission on Human Rights (IACHR) through the Special Rapporteur for Economic, Social, Cultural and Environmental Rights (SRESCER) monitors on an ongoing basis the situation of economic, social, cultural, and environment rights (ESCR) in Cuba. In general, information compiled from various sources shows the persistent precariousness of the enjoyment and guarantee of ESCR in the country.

106. The protests characterizing recent years have continued in 2023. In that regard, the IACHR and the SRESCER note that in July alone, reports of 589 protests were received, 44.2% of which related to demands for the enjoyment of economic and social rights.¹⁷¹ In this context, the reasons for protests are, among others, the crisis of public services, growing food insecurity, the poor state of the public sanitation system, and housing problems.¹⁷²

107. Regarding the economic situation of the country, SRESCER notes that although the Cuban government forecast a 3% GNP growth for 2023,¹⁷³ according to information available in July, the economy had grown by less than 2%, even lower than pre-pandemic levels. In addition, SRESCER notes the rising inflation in the country. In May 2023, Ministry of Economy estimates were for an annual rate above 40%, and it reported

¹⁶⁴ Infobae, [The Cuban dictatorship approved the law of social communication that intensifies censorship and ignores the independent press - Infobae](#), May 26, 2023.

¹⁶⁵ Infobae, [The Cuban dictatorship approved the law of social communication that intensifies censorship and ignores the independent press - Infobae](#), May 26, 2023.

¹⁶⁶ National Assembly of the People's Power, Republic of Cuba, [Proyecto Ley de Comunicación Social](#) [in Spanish], November 2022.

¹⁶⁷ National Assembly of the People's Power, Republic of Cuba, [Proyecto Ley de Comunicación Social](#) [in Spanish], November 2022.

¹⁶⁸ 14ymedio, [Cubans will have to respond for a "like" on social networks - 14ymedio](#), May 25, 2023.

¹⁶⁹ Cuban Institute for Freedom of Expression and the Press (ICLEP), [El nuevo proyecto de Ley de Comunicación social anula la opinión pública](#) [in Spanish], January 6, 2023.

¹⁷⁰ IACHR, Special Rapporteur for Freedom of Expression, Protest and Human Rights, [protest and human rights \(oas.org\)](#) OAS/Ser.L/V/II IACHR/RELE/INF.22/19. September 2019, par. 297.

¹⁷¹ Observatorio Cubano de Conflictos, [cuban Observatory of Conflicts: Cuba. 589 protests in July - Cuban Observatory of Conflicts \(observatoriocubano.com\)](#), August 1, 2023.

¹⁷² Observatorio Cubano de Conflictos, [cuban Observatory of Conflicts: Cuba. 589 protests in July - Cuban Observatory of Conflicts \(observatoriocubano.com\)](#), August 1, 2023.

¹⁷³ Ministry of Economy and Planning, [Cuba prevé para 2023 un crecimiento del 3% de su PIB](#) [in Spanish], December 13, 2022.

that from April 2022 to April 2023, inflation had reached 45.4%, food costs accounting for 70% of this,¹⁷⁴ eroding purchasing power and, therefore, the possibility of buying basic necessities.

108. Regarding power outages, the IACHR and the SRESCER note that one day in August, 16% of the country was experiencing power outages, a lower percentage than in prior years, but still significant, especially because the power generation shortfall persists, estimated at 500 MW.¹⁷⁵ The above information is prior to the impacts of Hurricane Idalia, which, in August 2023, hit the country, causing flooding, power outages for some 200,000 residents, and damage to housing and agriculture.¹⁷⁶ In any event, information bulletins from the Cuban Ministry of Energy and Mines on the National Electricity System confirm the frequent and varying shortfalls vis-à-vis demand, both before and after the hurricane.¹⁷⁷ As in 2022, the IACHR and the SRESCER note that the continual power outages still occurring in the country have marked impact on daily life and also impact other DESCA, such as access to food fit for consumption, quality of health, and education on equal terms.¹⁷⁸

109. The Commission and the SRESCER also note a housing shortage on the island. According to the government, as of May, 7221 of the planned 25,134 housing units had been built, representing 29% of the plan for the year, and that only 13% of the subsidies had been executed. The housing rehabilitation rate was 41% of the number planned for the year, and elimination of earth floors was 9% of the number planned for the year and 3% of the number needed, according to the survey.¹⁷⁹ It has also been reported that “[t]he unresolved impacts of climate change from prior years [...] constitute one of the main sources of dissatisfaction among the population: 109,185 housing units are still impacted and, of these, 60,590 have totally or partially collapsed.”¹⁸⁰ In addition, there is news that suggests that the true housing shortage is higher than the official figure of 862,000, and could be as many as 1,200,000,¹⁸¹ with many people living in the street, in dilapidated housing, or in shelters.¹⁸² There are also reports of many cases where people have lost their homes as a result of hurricanes, whether directly or because they have not been rehabilitated, also making evident the country’s vulnerability to climate change.¹⁸³

110. The Commission and the SRESCER are also concerned regarding the persistent food shortage in Cuba. According to information on food insecurity compiled by the Food Monitor Program, 94.24% of those interviewed affirm that “basic necessities are almost always in short supply,” although most say that the government has tried, but has made many mistakes or has not done enough. Again, according to the program, when those interviewed cannot obtain food in national currency through the State marketing networks, most— from 45.55% to 66.40%—resort to the parallel market.¹⁸⁴

111. Again, according to available information, food production and sales have declined and, as a result, 80% of the food consumed on the island is now imported. The current situation is the result of inflation on the international and national markets, but, in addition, in 2023, a drought led to a reduction by 38 million

¹⁷⁴ SWI swissinfo.ch, [¹⁷⁵ SWI swissinfo.ch, \[Cuba will have blackouts in 16% of its territory during the evening of this day - SWI swissinfo.ch\]\(https://www.swissinfo.ch/spa/afp/cuba-will-have-blackouts-in-16-of-its-territory-during-the-evening-of-this-day-SWI-swissinfo.ch\), August 9, 2023.](https://www.swissinfo.ch/spa/afp/la-inflaci%C3%B3n-en-cuba-superar%C3%A1-el-40--en-2023--seg%C3%BAn-su-ministro-de-econom%C3%ADa/48544870#:~:text=Buscar-.La%20inflaci%C3%B3n%20en%20Cuba%20superar%C3%A1%20el%2040%25%20en%202023,seg%C3%BAn%20su%20ministro%20de%20Econom%C3%ADa&text=Ai%20%22ritmo%22%20que%20suben%20los.complejo%22%20que%20e, May 25, 2023.</p></div><div data-bbox=)

¹⁷⁶ EFE, [Cuba: Hurricane Idalia Leaves Floods and Blackouts in the West \(efe.com\)](https://www.efe.com/efe/america/cuba/2023/08/29/cuba-hurricane-idalia-leaves-floods-and-blackouts-in-the-west), August 29, 2023; Cubalex, [Informe mensual sobre la situación de los derechos humanos en Cuba \(agosto 2023\)](https://www.cubalex.org/informe-mensual-sobre-la-situacion-de-los-derechos-humanos-en-cuba-agosto-2023) [in Spanish], September 8, 2023.

¹⁷⁷ Ministry of Energy and Mines, [Status of the NSS | Ministry of Energy and Mines \(gob.cu\)](https://www.mim.gob.cu/estado-de-los-derechos-humanos-en-cuba), to September 19, 2023.

¹⁷⁸ IACHR, Annual Report of the Inter-American Commission on Human Rights, 2022: adopted by the Inter-American Commission on Human Rights on April 1, 2023, OAS/Ser.L/V/II, [Annual Report 2022 \(oas.org\)](https://www.oas.org/en/iachr/annual-report/2022), par. 117.

¹⁷⁹ II Frente Portal del Ciudadano, [En vivo: Continúan debates de los diputados en segunda jornada de trabajo de las Comisiones Permanentes](https://www.frenteportal.org/en-vivo/continuan-debates-de-los-diputados-en-segunda-jornada-de-trabajo-de-las-comisiones-permanentes), July 19, 2023.

¹⁸⁰ II Frente Portal del Ciudadano, [En vivo: Continúan debates de los diputados en segunda jornada de trabajo de las Comisiones Permanentes](https://www.frenteportal.org/en-vivo/continuan-debates-de-los-diputados-en-segunda-jornada-de-trabajo-de-las-comisiones-permanentes), July 19, 2023.

¹⁸¹ *Diario de Cuba*, [Cuba’s Housing Crisis Is Systemic and the Worst in the Americas | DIARIO DE CUBA](https://www.diariodecuba.com/2023/09/06/cuba-s-housing-crisis-is-systemic-and-the-worst-in-the-americas/), September 6, 2023.

¹⁸² The Guardian, [The Cuban Collapse – a photo essay](https://www.theguardian.com/world/2023/mar/13/cuba-collapse-photo-essay), March 13, 2023.

¹⁸³ The Guardian, [The Cuban Collapse – a photo essay](https://www.theguardian.com/world/2023/mar/13/cuba-collapse-photo-essay), March 13, 2023.

¹⁸⁴ Food Monitor Program, [Encuesta Food Monitor 2023 - Estabilidad](https://www.foodmonitor.org/en-encuesta-food-monitor-2023-estabilidad) [in Spanish], 2023.

liters of the milk produced and also impacted agriculture.¹⁸⁵ Food imports, on which the country depends, have also been negatively impacted, with higher shipping charges and prices.¹⁸⁶ For its part, despite the enactment of the “Livestock Production and Development Law” and the “Livestock Registry Regulations,” intended to promote sustainable livestock development as another step towards food security,¹⁸⁷ the government itself acknowledges that the results of the implementation of the Law on Sovereignty and Food Security, enacted in 2022, are still far from satisfactory.¹⁸⁸

112. As for access to drinking water, according to available information, lack of access has increased by 2% over the prior period, meaning that 17% of homes do not have drinking water service. In turn, the percentage of homes with permanent access to drinking water service has declined.¹⁸⁹ The Commission and the SRESCER point to the problems caused by lack of access to drinking water, such as the spread of acute diarrheal diseases. In that regard, in August, the SRESCER was informed of the epidemics in Sancti Spíritus, Jatibonico, and La Sierpe municipalities, while Yaguajay, Taguasco and Trinidad were under alarm.¹⁹⁰

113. Regarding labor rights, although the government has adopted the “Protocol for action in nationwide situations of discrimination, violence, and harassment,”¹⁹¹ which expressly applies to all employers and workers, regardless of the nature of the labor relationship, much remains to be done to address the IACHR and SRESCER’s observations and recommendations contained in the report on the situation of labor rights in the country, published in April this year.¹⁹²

114. In that regard, the IACHR and the SRESCER reiterate their warning about the persistent systematic patterns of violation of labor rights, primarily through the creation and application of laws designed to criminalize freedom of expression, which includes the workplace, and freedom of assembly and association,¹⁹³ all in a context of lack of effective access to justice, since there is no true separation of powers in the country.¹⁹⁴ As indicated in this report, examples are situations where teaching personnel are harassed and subjected to arbitrary restrictions on academic freedom,¹⁹⁵ and, in general, disciplinary sanctions, expulsions, and unjustified dismissals.¹⁹⁶

115. Specifically, regarding collective labor rights, there is persistent disregard for freedom to organize and the right to freedom of association stemming from a trade union movement severely limited by the politicization and especially the monopoly of the sole union, controlled by the State itself, which leads to repression of dissidents and independent unions.¹⁹⁷ The IACHR and the SRESCER also reiterate their concern regarding the guarantee of freedom to organize, as indicated in the last report, and note that the issue also arises in Case No. 3271, still active before the Committee on Freedom of Association of the International Labour Organization (ILO).¹⁹⁸

116. The IACHR and the SRESCER still note the persistent lack of detailed information on the labor market. This aspect was already described in the last report and has been reaffirmed by comments of the ILO

¹⁸⁵ Opera Mundi, [Opera Mundi: Understanding the Cuban Crisis \(uol.com.br\)](https://uol.com.br), July 4, 2023.

¹⁸⁶ RTP Notícias, [Cuban president admits problems in food and fuel imports \(rtp.pt\)](https://rtp.pt), May 20, 2023.

¹⁸⁷ Ministry of Agriculture, [Law for the Promotion and Development of Livestock in Cuba \(gob.cu\)](https://gob.cu), July 6, 2023.

¹⁸⁸ Presidency and Government of Cuba, [Soberanía y seguridad alimentaria y nutricional: la ley está, ahora lo que hace falta es trabajar y hacerlo bien](https://www.gub.cu), July 22, 2023.

¹⁸⁹ Cuban Human Rights Observatory (OCDH), [Sexto Informe sobre el Estado de los Derechos Sociales in Cuba https://derechosocialescuba.com/wp-content/uploads/2023/09/ODS6_ES.pdf](https://derechosocialescuba.com/wp-content/uploads/2023/09/ODS6_ES.pdf) [in Spanish], September 28, 2023

¹⁹⁰ Escambray, [Continúan atenciones médicas por diarreas en Sancti Spíritus](https://www.escambray.com), August 24, 2023.

¹⁹¹ Gaceta Oficial de la República de Cuba – Ministry of Justice, Special Official Gazette No. 66, of September 28, 2023, Decree 96/2023 (GOC-2023-811-EX66), pp. 439-449.

¹⁹² IACHR, [Cuba derechos laborales EN.pdf \(oas.org\)](https://www.oas.org), April 5, 2023, OAS/Ser.L/V/II.doc.53/23.

¹⁹³ IACHR, [Cuba derechos laborales EN.pdf \(oas.org\)](https://www.oas.org), April 5, 2023, OAS/Ser.L/V/II.doc.53/23, par. 431.

¹⁹⁴ IACHR, [Cuba derechos laborales EN.pdf \(oas.org\)](https://www.oas.org), April 5, 2023, OAS/Ser.L/V/II.doc.53/23, par. 438.

¹⁹⁵ IACHR, [Cuba derechos laborales EN.pdf \(oas.org\)](https://www.oas.org), April 5, 2023, OAS/Ser.L/V/II.doc.53/23, par. 435.

¹⁹⁶ IACHR, [Cuba derechos laborales EN.pdf \(oas.org\)](https://www.oas.org), April 5, 2023, OAS/Ser.L/V/II.doc.53/23, par. 431.

¹⁹⁷ IACHR, [Cuba derechos laborales EN.pdf \(oas.org\)](https://www.oas.org), April 5, 2023, OAS/Ser.L/V/II.doc.53/23, par. 436.

¹⁹⁸ ILO. Committee on Freedom of Association, [Freedom of association cases – Cuba](https://www.ilo.org), 2023.

Committee of Experts (CEACR) on the 1958 Plantations Convention (No. C110)¹⁹⁹ and the 1937 Statistics of Wages and Hours of Work Convention (No. 63).²⁰⁰

117. Therefore, the IACHR and the SRESCER indicate that this active conduct characterized by omission of the State violates various international labor principles and provisions, such as Articles IV (right to freedom of investigation, of opinion, and of the expression and dissemination of ideas), XIV (right to work and to fair remuneration), XVIII (right to justice), XXI (freedom of assembly), and XXII (freedom of association) of the American Declaration; and reiterate all Recommendations contained in the report on labor and union rights, especially those intended to curtail and correct the above-mentioned unlawful acts.²⁰¹

118. Regarding the situation of health care professionals on medical assignments abroad, the IACHR and the SRESCER remain concerned over the reports of violations of labor rights and of the withholding of salaries, as well as penalties for those who abandon their assignments, as indicated in the 2022 report²⁰² and the 2023 report on labor and union rights.²⁰³

119. In that regard, the IACHR and the SRESCER take note of the reply by the Cuban government to the ILO, in which it indicated that doctors maintain their work relationship with the entity employing them in Cuba, which guarantees them payment of their salary to a family member; that the host country receives an allocation to cover their needs; that doctors sign an agreement in which they agree that part of the income from their work is allocated to funding the Cuban health care system; and that the work conditions are those agreed in their work contracts.²⁰⁴

120. However, the IACHR and the SRESCER were also informed of the ILO requests for the country to provide additional information on the actual work conditions of these doctors, and specifically for it to indicate: (i) the number of doctors who have filed complaints of abusive practices and the steps taken in that regard; (ii) the number of doctors who have requested early termination of their assignment abroad, and (iii) if the sanctions included in the Code of Penal Procedure have been applied to doctors who have decided to abandon their assignments abroad, and, if so, in what cases.²⁰⁵

121. The IACHR and the SRESCER further emphasize that, whatever the specific contractual system adopted for international assignments of health care professionals, the country must effectively respect labor and union rights of workers, or risk to being in violation of international standards, such as Articles XIV and XV of the American Declaration, and reiterate Recommendation 13 of the report on labor and union rights: Refrain from imposing restrictions on the rights and freedoms of workers on internationalization missions, and strengthen the transparency of these programs in favor of their labor rights.²⁰⁶

122. In another vein, the IACHR and the SRESCER express concern over the lack of medications and medical treatments in Cuba, making the Cuban population extremely vulnerable. According to available data, in July of this year, there was a 40% shortfall in the basic schedule of essential drugs²⁰⁷ and, according to information compiled, for the most part this affects older people, who are also the population group that has

¹⁹⁹ ILO, Direct Request (CEACR) - Adopted: 2022, Published: 111th ILC session, **2023**. [Convention C110 - Plantations Convention, 1958 \(No. 110\) \(ilo.org\)](#).

²⁰⁰ ILO, Direct Request (CEACR) - Adopted: 2022, Published: 111th ILC session, **2023**. [Feedback \(ilo.org\)](#).

²⁰¹ IACHR, [Cuba derechos laborales EN.pdf \(oas.org\)](#), April 5, 2023, OAS/Ser.L/V/II.doc.53/23, pp. 189-194.

²⁰² IACHR, [7-IA2022 Cap 4B CU EN.pdf \(oas.org\)](#), 2022, par. 131.

²⁰³ IACHR, [Cuba derechos laborales EN.pdf \(oas.org\)](#), April 5, 2023, OAS/Ser.L/V/II.doc.53/23, par. 137-139; 200-207.

²⁰⁴ ILO, Direct Request (CEACR) - Adopted: 2022, Published: 111th ILC session, **2023**. [Feedback \(ilo.org\)](#) https://www.ilo.org/dyn/normlex/es/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4320946,102603.

²⁰⁵ ILO, Direct Request (CEACR) - Adopted: 2022, Published: 111th ILC session, **2023**. [Feedback \(ilo.org\)](#).

²⁰⁶ IACHR, [Cuba derechos laborales EN.pdf \(oas.org\)](#), April 5, 2023, OAS/Ser.L/V/II.doc.53/23, p. 167.

²⁰⁷ OnCubaNews, [BioCubaFarma recognizes a 40% deficit in the basic list of medicines - OnCubaNews](#), July 19, 2023.

most needed help from family and friends to meet their health care costs,²⁰⁸ situation exacerbated by the above-mentioned shortage of human and material resources.

123. Regarding the right to education, the Commission and the Rapporteur view with concern the low percentage invested in the education system,²⁰⁹ especially in the critical context of effective access to this right in Cuba. According to the Ministry of Education, the school year began last September with a lack of school's resources, such as textbooks and notebooks.²¹⁰ These have direct consequences for families with children and adolescents, who will have to incur extra expenses that the State used to cover. The cost of textbook printing is now just under the equivalent of one minimum wage (\$2,100 Cuban pesos, approximately USD17.5).²¹¹ According to available information, in addition to lack of school resources is the teacher shortage,²¹² which is occurring at a time when teaching personnel is being sent to neighboring countries in the context of the "internationalization missions."²¹³

124. Regarding the right to education and academic freedom, the Commission and the SRESCER have monitored the persistent conduct of the Cuban State that infringes on effective access to these rights. In that regard, according to reports published by the Observatory on Academic Freedom (OLA-its Spanish acronym), dozens of incidents have occurred that make evident the arbitrary conduct of Cuban authorities against academic freedom, freedoms of thought and of expression, and of the right to work, among others. Of particular concern to the Commission and the SRESCER are the reports of discrimination for political reasons, harassment and intimidation, censorship, and denial of the right to education.²¹⁴

125. In another vein, reaffirming the concerns in the section on persons deprived of liberty, of concern to the SRESCER are their incarceration conditions.²¹⁵ From among the most frequent complaints, the Rapporteur underscores poor housing conditions, food insecurity, poor hygiene conditions, and lack of medical care,²¹⁶ as well as improper medication of persons with "psychiatric conditions tending to promote attempted suicide."²¹⁷

126. The SRESCER has also been informed of the frequent hunger strikes that often put at risk the lives of some demonstrators.²¹⁸ In the same vein, the SRESCER has also received reports of hundreds of cases of malnutrition and fainting from hunger among persons deprived of liberty.²¹⁹ According to available information, in September alone, 128 irregularities in incarceration centers were reported, 43 of which involved health status, such as lack of medications and denial of medical care, as well as the proliferation of diseases owing to poor incarceration conditions.²²⁰

²⁰⁸ Observatory of Social Rights Cuba and Cuban Observatory of Human Rights, The State of Social Rights in Cuba, [ODS6_EN.pdf \(derechosocialescuba.com\)](https://derechosocialescuba.com), September 28, 2023.

²⁰⁹ National Office of Statistics and Information, [Investments. Selected indicators. January-June 2023 | National Office of Statistics and Information \(gob.cu\)](#), August 2023.

²¹⁰ Mesa Redonda, [Back to the Classroom: What You Need to Know About the Next School Year | Round table \(cubadebate.cu\)](#), August 29, 2023.

²¹¹ Infobae, [Educational crisis in Cuba: the new school year began with a shortage of teachers and lack of materials - Infobae](#), September 4, 2023.

²¹² Radio Rebelde, [Havana gets ready for the 2023-2024 school year - Radio Rebelde](#), August 31, 2023.

²¹³ CiberCuba, [Cuba Offers Teachers to Jamaica Despite Deficit in All Provinces \(cibercuba.com\)](#), September 26, 2023. OHCHR, Mandates of the Special Rapporteur on Contemporary Forms of Slavery, including its causes and consequences, [DownloadPublicCommunicationFile \(ohchr.org\)](#), AL CUB 6/2019, November 6, 2019.

²¹⁴ Observatory on Academic Freedom (OLA), [Informe 35](#) [in Spanish], September 2023.

²¹⁵ Justicia 11J, [Actualización sobre condiciones de prisiones \(abril y mayo de 2023\)](#) [in Spanish], May 2023.

²¹⁶ Cubalex, [Informe de Organizaciones de la Sociedad Civil en Relación al Proceimiento de Seguimiento de las Observaciones Finales sobre el Tercer Informe Periódico del Estado Cubano \(CAT/C/CUB/CO/3\)](#), August 24, 2023, par. 8.

²¹⁷ Informe Actualización sobre condiciones de prisiones (March 2023), Justicia 11J: <https://justicia11j.org/actualizacion-sobre-condiciones-de-prisiones-y-personas-presas-ensituacion-marcada-de-vulnerabilidad-marzo-de-2023/> [in Spanish].

²¹⁸ Martí Noticias, [García Caso has been on hunger strike for 20 days and says he will risk it to the last consequences \(martinoticias.com\)](#), May 31, 2023.

²¹⁹ Amnesty International, [Cuba: Free Yoruba prisoners of conscience - Amnesty International](#), June 21, 2023.

²²⁰ Documentation Center for Cuban Prisons, [Update on Conditions in Prisons \(September 2023\) - Cuban Prisons Documentation Center \(docubprisiones.org\)](#), October 2023.

127. In that regard, the Commission and the SRESCER remind the State that all persons deprived of liberty are entitled to be treated humanely, with unconditional respect for their inherent dignity and their rights and fundamental guarantees. This means that the State, as guarantor of the rights of persons under its custody, not only has the special duty to respect and ensure their lives and personal integrity, but also must ensure that they are afforded minimum conditions compatible with their dignity.²²¹

B. Groups in situations of vulnerability and discrimination

128. In 2023, the Commission continued to receive information on the human rights of populations in situations of vulnerability and discrimination. Below it will address the main concerns regarding specific populations in Cuba, such as Afro-descendants, women, LGBTI persons, persons in situation of human mobility, older persons, and persons with disabilities.

1. Afro-descendants

129. With regard to people of African descent, the Commission reiterates its concern regarding the persistent challenges in carrying out actions and taking positive steps to address structural racial discrimination in the country; as well as the extreme vulnerability to which they remain exposed.

130. The Commission continues to take note of actions to follow up on the National Program against Racism and Racial Discrimination, adopted by the Cuban State in 2019, and in force until 2030.²²² In that regard, it notes that in 2023, the State announced the inauguration of the “Cuban Societal Color Laboratory,” included in this National Program.²²³ However, civil society organizations note that significant challenges remain for its implementation and impact.²²⁴ In addition, the Commission emphasizes that the Program should include effective civil society participation, without discrimination for ideological reasons.

131. Available open sources also indicate with concern that Afro-descendants in Cuba remain exposed to situations of extreme vulnerability and live in impoverished peripheral areas, with many living in the street.²²⁵ In that regard, the IACHR continues to underscore the special impact on the rights of Afro-Cubans in the areas of health, housing, unemployment, and access to sanitation and drinking water services.²²⁶

132. Recent civil society research has described obstacles to access to information on the situation of Afro-descendants in Cuba. In particular, they report that the number of Blacks in prison is unknown; and that this ethno-racial group is very often overrepresented in informal work or basic unskilled jobs.²²⁷

133. Regarding the situation of Afro-descendent women, organizations emphasize that Black women and mestizo women with HIV/AIDS and/or tuberculosis have a much lower life expectancy than the rest of the population, resulting from the intersection of multiple discrimination factors. They also indicate that they continue to be overrepresented in unpaid jobs and report low educational levels.²²⁸

²²¹ IACHR: [persons Deprived of Liberty in the Americas \(oas.org\)](#), OAS/Ser.L/V/II. Doc. 64, December 31, 2011, par. 430; Report on Terrorism and Human Rights, OAS/Ser.L/V/II.116. Doc. 5 rev. 1 corr., [Report on Terrorism and Human Rights - Executive Summary \(oas.org\)](#), October 22, 2002.

²²² Cuba Información, [Cubainformación - Article: Four years ago, the National Program against Racism and Racial Discrimination was approved in Cuba \(cubainformacion.tv\)](#), October 19, 2023.

²²³ Radio Reloj, [Cuba takes another step against racism and discrimination - Radio Reloj, Cuban hour and news station](#), October 13, 2023; Radio Rebelde, [Inauguration of the Cuban Color Laboratory - Radio Rebelde](#), October 14, 2023.

²²⁴ *Diario de Cuba*, [Neither Transparency nor Impact: Castro's Program Against Racial Discrimination | Diario de Cuba](#), June 16, 2023; *Cuba información*, [¿Cómo marcha el programa nacional contra el racismo en Cuba?](#), May 29, 2023.

²²⁵ *Diario de Cuba*, [More Black People Begging and LGBTI Activists Repressed: Cuba After 2018 UN Review | Diario de Cuba](#), May 10, 2023.

²²⁶ IACHR, [Cuba2020-en.pdf \(oas.org\)](#), 2020.

²²⁷ *Diario de Cuba*, [The regime hides data on the real extent of racism in Cuba | Diario de Cuba](#), June 15, 2023.

²²⁸ Amecopress, [Cuba: Afro-descendant Women at the Center of Inequalities and Social Transformation | Ameco Press](#), July 27, 2022; Inter Press Service Cuba, [Colloquium hosts debates on women of African descent in Cuba - IPS Cuba](#), July 31, 2023.

134. Lastly, the Commission reiterates its call to the State to take positive steps to ensure political participation by Afro-descendants in the different political bodies, whether by adopting electoral quotas or through the creation of effective civil society participation channels in the context of legislative processes and public policy development. The IACHR considers that their participation would contribute substantially to modifying patterns of racism and would enable their specific needs to be made evident. This in view of their right to equality before the law, Article II of the American Declaration, as well as the substantive aspect of the principle of equality.

2. Women

135. Regarding women's human rights, the Commission reiterates its concern regarding the harassment, intimidation, and persecution of women human rights defenders in Cuba, as well as the additional challenges encountered by women deprived of liberty. The Commission also points to the lack of specialized legislation to combat violence against women in the country, and of official up-to-date statistics on this type of violence.

136. In 2023, women activists and human rights defenders in the country continued to face harassment, intimidation, and persecution, such as: multiple short-duration detentions, constant summoning, and threats by security agents, as well as other restrictions on their defense activities and activism.²²⁹ In that regard, in the context of International Women's Day, the State refused permission to demonstrate on public streets to the women activists who requested it²³⁰; moreover, by way of reprisal, women who demonstrated that day were informed that the regime prohibited them from leaving the country.²³¹

137. Again, according to available information, women activists and defenders deprived of liberty in the context of demonstrations or protests are subjected to abuse;²³² are found in poor incarceration conditions;²³³ and confront additional obstacles in accessing alternatives to incarceration that would enable them to care for their children and be close to their families.²³⁴

138. In addition, in the context of the hearing to follow up on precautionary measures for beneficiaries deprived of liberty, held on November 7, 2023, civil society underscored the gender-based violence and differentiated risk faced by women human rights defenders, placing them in a situation of special vulnerability, which has materialized through acts such as repeated physical and verbal aggression, psychological violence in interrogations, arbitrary detentions, and threats to take away their custody of their children. This as a form of pressure to abandon their human rights defense activities and activism. It was mentioned, in that regard, that from 2013 to 2022, 226 acts of physical and gender-based violence were recorded in connection with the Ladies in White. In that regard, civil society emphasized that gender-based violence against these women, is evident with different nuances and in different forms.²³⁵

²²⁹ Ladies in White, et. al., Request for a hearing "CUBA: la violencia contra las mujeres cubanas desde una perspectiva interseccional [Violence against Cuban women from an intersectional perspective]," IACHR 187th period of sessions, April 17, 2023, p. 9, 10. In the IACHR archives; DW, [Cuba: Ladies in White leader arrested and released again – DW – 06/02/2023](#), February 6, 2023; ADN Cuba, [Regime "Attacks Women": Justice 111 Denounces Situation of 74 Political Prisoners | DNA Cuba \(adncuba.com\)](#), April 17, 2023; El Nacional, [Feminicidios in Cuba: activistas denuncian "un crimen de Estado"](#), February 16, 2023.

²³⁰ Semana, [No right to protest? Women in Cuba will not be able to march on March 8, Women's Day \(semana.com\)](#), March 6, 2023.

²³¹ Cibercuba, [Regime bans activists who denounced femicides in Cuba from leaving the country \(cibercuba.com\)](#), March 15, 2023; Alas tensas, [State of Emergency for Gender-Based Violence in Cuba \(alastensas.com\)](#), February 9, 2023.

²³² Ladies in White, et. al., Request for a hearing "CUBA: la violencia contra las mujeres cubanas desde una perspectiva interseccional [Violence against Cuban women from an intersectional perspective], IACHR 187th period of sessions, April 17, 2023, p. 10; *Diario de Cuba*, [Garrido Sisters End Hunger Strike in Prison, but Remain Standing | DIARIO DE CUBA](#), September 26, 2022.

²³³ Cibercuba, [Political prisoners face lack of water and poor food in Matanzas prison \(cibercuba.com\)](#), February 27, 2023.

²³⁴ ADN Cuba, [Cuba: María Cristina Garrido denounces the regime's cruelty against mothers who are political prisoners | DNA Cuba \(adncuba.com\)](#), February 10, 2023; Amnesty International, [Amnesty International Report 2022/23: The state of human rights in the world - Amnesty International](#), 2023, p. 173.

²³⁵ IACHR. Thematic hearing "Follow-up of precautionary measures for beneficiaries deprived of their freedom (ex officio)." [OAS:: IACHR :: Hearings](#), 188th period of sessions, Washington D.C., United States, November 7, 2023.

139. Moreover, the Commission regrets that the State has still not ratified the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, the principal regional American instrument to protect and guarantee women's rights.²³⁶ In the same vein, the Commission is concerned over the lack of specialized legislation to combat violence against women in the country. The Commission has described the repeated demands by women activists, defenders, and movements for the adoption of a comprehensive law against gender-based violence, and for the definition of femicide/feminicide as an autonomous crime in the Code of Penal Procedure.²³⁷ In that regard, women activists and defenders have pointed to the lack of interest in the legislature, noting that this legislation is not on the upcoming legislative agenda.²³⁸

140. Although the Commission values the launch, in June 2023, of the Observatory on Gender Equality (OCIG),²³⁹ it points to the persistent deficiencies in the compilation and analysis of statistical data on gender-based violence against women.²⁴⁰ The Commission notes that data on women's deaths are based solely on the number of judgments issued in 2022, which is not suitable to gain awareness and assess the true scale of the problem, since they do not specify when the events took place, the number of reports received, or the pending proceedings.²⁴¹ In that regard, the Commission takes note of the data compiled by civil society, which show over 60 feminicides/femicides from January to October 2023, most perpetrated by partners, former partners, or persons connected to the victims.²⁴²

141. Given this reality, the Commission calls on the State to address meaningfully the situations set forth by providing comprehensive care for women and girls victims of violence, taking steps to end it, to guarantee all aspects of the full exercise of women's rights, and to take special affirmative steps if required. This pursuant to Articles II, V, VII, and XI of the American Declaration of Human Rights.

3. LGBTI persons

142. Regarding the rights of LGBTI persons, the Commission notes with concern the lack of public official data on the situation of their human rights, the widespread acts of violence allegedly based on prejudice, and information on acts of violence by State agents in connection with trans persons deprived of liberty.

143. The IACHR continues to receive news of acts of violence against LGBTI persons in Cuba. In May, for example, it learned of the murder of Samira Lescar, an Afro trans woman who allegedly was murdered by her former partner.²⁴³ In July, according to open-source information, six trans women were stoned by a

²³⁶ IACHR, Report on the Situation of Human Rights in Cuba, [Cuba2020-en.pdf \(oas.org\)](#), OAS/Ser.L/V/II. Doc. 2, February 3, 2020, par. 311; General information on the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, [signatory countries](#), consulted on October 16, 2023.

²³⁷ Members from Damas de Blanco (Ladies in White), Request for a hearing "CUBA: la violencia contra las mujeres cubanas desde una perspectiva interseccional [Violence against Cuban women from an intersectional perspective]," IACHR 187th period of sessions, April 17, 2023, p. 4. In the IACHR archives; Los Angeles Times, [Gender-based violence in Cuba: Activists call for comprehensive law - Los Angeles Times \(latimes.com\)](#), November 17, 2022; Amnesty International, [Amnesty International Report 2022/23: The state of human rights in the world - Amnesty International](#), 2023, p. 173.

²³⁸ Members from Damas de Blanco (Ladies in White), Request for a hearing "CUBA: la violencia contra las mujeres cubanas desde una perspectiva interseccional [Violence against Cuban women from an intersectional perspective]," IACHR 187th period of sessions, April 17, 2023, p. 2, 8, 9; DW, [Femicides in Cuba: for activists, "a state crime" - DW - 16/02/2023](#), February 16, 2023.

²³⁹ ECLAC, [With technical assistance from ECLAC, Cuba launches the Observatory on Gender Equality \(OCIG\) | ECLAC \(cepal.org\)](#), June 21, 2023.

²⁴⁰ The source of the information referring to the percentage of women and girls victims of physical, economic, sexual, and/or psychological violence is the National Survey on Gender Equality, conducted in 2016. See: OCIG, [5.3 Proporción de mujeres and niñas de 15 a 74 años de edad que han sufrido violencia física, sexual, económica o psicológica a manos de su pareja íntima actual o anterior en los últimos 12 meses](#), undated, consulted on October 17, 2023.

²⁴¹ OCIG, [5.5 Muertes de mujeres causadas por su pareja o ex pareja íntima](#), undated; OCIG, [5.4 Mujeres que han sido víctimas de homicidio intencional como consecuencia de la violencia de género, en los últimos 12 meses](#), undated, consulted on October 17, 2023.

²⁴² *Diario de Cuba*, [A femicide in Caibarién brings to 64 the number of femicides that occurred in Cuba in 2023 | Diario de Cuba](#), October 16, 2023; *Diario de Cuba*, [Llegan a 60 los feminicidios in Cuba](#), September 28, 2023; *Diario las Américas*, [Femicides and impunity are on the rise in Cuba \(diariolasamericas.com\)](#), August 11, 2023; *Alas tensas*, [OGAT Report for the First Half of 2023 \(alastensas.com\)](#), July 14, 2023.

²⁴³ CiberCuba, [Trans woman murdered by her ex-partner in Camagüey \(cibercuba.com\)](#), July 16, 2023.

group of five men in Cárdenas, Matanzas municipality. According to this information, three of the aggressors were arrested.²⁴⁴

144. The Commission also expresses concern over the well-being of the trans activist and political prisoner Branda Diaz, who has been housed in a men's prison since her detention during the July 11, 2021, demonstrations. According to open-source information, Brenda is sometimes prevented from communicating with family members, and the media report harassment and abuse by prison personnel.²⁴⁵

145. Regarding the situations described in this section, the IACHR urges the State to guarantee the rights to life and to personal integrity of LGBTI persons; first, by refraining from perpetrating, through its agents, acts of violence against them, and by guaranteeing a legal framework that protects them against actions by third parties.²⁴⁶ It also urges the State to investigate acts of violence against LGBTI persons in accordance with the standards of due diligence, with the aim of ending chronic impunity and preventing the repetition of such actions.²⁴⁷

146. The IACHR also calls on the State to adopt as a matter of urgency protocols to guarantee the safety of trans persons deprived of liberty, refraining from housing trans women with men, and instead, to implement the inter-American standards in this area.²⁴⁸ Lastly, given the limited public information available on the rights of LGBTI persons, the IACHR reiterates the recommendation made in 2022 on the need to generate disaggregated public statistical data on the discrimination and violence affecting these persons for the formulation of public policies designed to fully guarantee their human rights.²⁴⁹

4. Persons in situation of human mobility

147. With regard to the population in situation of human mobility, the Commission reiterates its concern regarding the persistent arbitrary restrictions of the right to movement and residence, including the right of nationals to leave and return freely to the country. It also continues to note with particular attention the increasing exodus of Cubans from the country.

148. In its annual reports, the Commission has monitored on an ongoing basis the restrictions preventing full exercise of the right to movement and residence, both within the country and abroad. Since 1983, in publishing its Seventh Report on the situation of human rights in Cuba, the Commission has considered that the exercise of the right to freedom of residence and movement is extremely restricted, in law and in practice, especially for those who have taken critical stances towards the Government.²⁵⁰

149. In its 2020 country report, the IACHR noted that although Article 52 of the new Constitution refers to freedom of movement within Cuban territory, there are constant complaints of unjustified restrictions

²⁴⁴ Cibercuba, [Three men arrested for stoning trans women in Cárdenas \(cibercuba.com\)](https://www.cibercuba.com), June 22, 2023.

²⁴⁵ *Diario de Cuba*, [The mother of political prisoner Brenda Díaz denounces that she has not heard from her daughter for more than 20 days | Diario de Cuba](#), August 9, 2023; *Diario de Cuba*, [Mariela Castro Describes the Case of Political Prisoner Brenda Diaz as an 'Oversized Story' | Diario de Cuba](#), May 5, 2023.

²⁴⁶ IACHR, Violence against Lesbian, Gay, Bisexual, Trans and Intersex Persons in the Americas, 2015. [ViolenceLGBTIPersons.pdf \(oas.org\)](#), Recommendations 25-27, p. 281.

²⁴⁷ IACHR, Violence against Lesbian, Gay, Bisexual, Trans and Intersex Persons in the Americas, 2015. [ViolenceLGBTIPersons.pdf \(oas.org\)](#), Recommendations 31, 32, p. 282.

²⁴⁸ IACHR, Advisory Opinion OC-29/22 of May 30, 2022, Differentiated approaches with respect to certain groups of persons deprived of liberty (interpretation and scope of Articles 1(1), 4(1), 5, 11(2), 12, 13, 17, 17(1), 19, 24 and 26 of the American Convention on Human Rights and other human rights instruments), para. 242 et seq. IACHR, [Report on Women Deprived of Liberty in the Americas](#): adopted by the Inter-American Commission on Human Rights on March 8, 2023, para 295.

²⁴⁹ IACHR, Annual Report 2022, Chapter IV-B 'Cuba', [7-IA2022_Cap 4B CU EN.pdf \(oas.org\)](#), par. 172; IACHR, [Violence against Lesbian, Gay, Bisexual, Trans and Intersex Persons in the Americas](#), 2015. Recommendation 1, p. 291.

²⁵⁰ IACHR. [The Situation of Human Rights in Cuba \(Seventh Report\)](#), OAS/Ser.L/V/II.61 Doc.29 rev. 1, October 4, 1983, par. 13.

of that right. In particular, in the testimony collected by the IACHR, people constantly stated that they had been prevented from leaving and returning to the country because of their political beliefs.²⁵¹

150. In March 2023, in the context of the hearing on the right to movement in Cuba, the requesting organizations reported on various measures used by the Cuban State to restrict the movement of Cubans domestically and abroad based on their political opinion and their human rights protection work. These practices include denial of entry to the national territory to Cuban nationals abroad; regulation based on the Migration Law to limit departures from the country; and forced exile. They also indicated that these practices generate multiple violations, such as family separation and the imposition of irregular migration status. For its part, the IACHR noted that the repressive practices reported by civil society show a violation of the right to freedom of movement and also a serious violation of the rights related to the exercise of nationality. In turn, the Special Rapporteur for Freedom of Expression noted that the indicated restrictions constitute punishment for the exercise of freedom of expression and of thought, this having inhibitory impacts on all those who wish to express themselves.²⁵²

151. The IACHR emphasizes that, under Article VIII of the American Declaration, every person has the right to fix his residence within the territory of the state of which he is a national, to move about freely within such territory, and not to leave it except by his own will.²⁵³ Denial of return by nationals to their country is also considered a serious violation of the rights related to the exercise of nationality. In that regard, the Commission has already referred to the relationship between the right to nationality and the right to residence and movement embodied in Article VIII of the American Declaration of the Rights and Duties of Man, and has emphasized that the right of every person to live in his or her own homeland and to leave and return to it when he or she deems appropriate [...] is a fundamental right recognized by all international instruments for the protection of human rights.²⁵⁴

152. The IACHR also continues to note the significant increase in migration by Cubans to the United States in 2023. In that regard, according to the most recent update by the Department of Customs and Border Protection (CBP), from October 2022 to September 2023, 200,287 Cubans arrived in the United States,²⁵⁵ in numbers that continue to exceed the 125,000 who emigrated in 1980 during the historic Mariel exodus.

153. In 2023, the IACHR continued to receive testimony and information that link this increased migration to the serious economic crisis in the country, food and medications shortages, restrictions on the exercise of basic human rights, and the heightening of State repression of demonstrations in the country, especially since the July 11, 2021, protests.

154. Moreover, the Commission continues to note that Cubans are migrating via dangerous routes and unlawfully, which exposes them to multiple risks. In particular, the IACHR expresses its profound concern over the growing number of incidents at sea involving vessels carrying Cuban migrants. These incidents have led to deaths and disappearances at sea. Although there is no precise official data, information from civil society gives account of at least 11 Cubans who died and 54 who went missing in 2023, during the voyage to the United States.²⁵⁶ The Commission notes among the most serious incidents was that of January 23, 2023, near the Cárdenas, Matanzas coasts. According to open-source information, in the shipwreck, 11 died and the whereabouts of another nine are unknown. The boat, which was carrying about 31 people, left the island the

²⁵¹ IACHR. The Situation of Human Rights in Cuba, [Cuba2020-en.pdf \(oas.org\)](#). OAS/Ser.L/V/II. Doc. 2. February 3, 2020, pars. 358; 364-368.

²⁵² IACHR, Public hearing [Derecho a la circulación de las personas in Cuba](#) [Right to freedom of movement in Cuba], 186th period of sessions. March 9, 2023.

²⁵³ OAS, [American Declaration of the Rights and Duties of Man](#), Adopted at the Ninth International Conference of American States, Bogotá, Colombia, 1948, Article VIII.

²⁵⁴ IACHR. Country Report. [The Situation of Human Rights in Cuba \(Seventh Report\)](#), OAS/Ser.L/V/II.61 Doc.29 rev. 1, October 4, 1983, [Chapter VIII](#) (Right to Residence and Movement).

²⁵⁵ U.S. Customs and Border Protection (CBP), [Nationwide Encounters](#), Data is available for the Northern Land Border, Southwest Land Border, and Nationwide (i.e., air, land, and sea modes of transportation) encounters by Fiscal Year (FY). Last modified: October 21, 2023.

²⁵⁶ El Toque, [Ruta marítima de migrantes cubanos: muertes y desapariciones en 2023 | elTOQUE](#), August 4, 2023.

day prior, from the Torrontela area, intending to reach U.S. territory. The boat capsized near Cayo Cruz del Padre, and only 11 could be rescued.²⁵⁷

155. Based on this reality, the Commission reiterates its call on the State of Cuba to take urgent and comprehensive steps to address the factors that are causing its nationals to leave the country, among them, violations of basic human rights and fundamental freedoms. It also urges the State to identify promptly the migrants aboard the shipwrecked vessels, to identify the remains of those who died or are missing, and to inform their families of their status and whereabouts.

5. Older persons

156. With regard to the rights of older persons, the IACHR has learned with concern of the poverty and poor access to food and care to which this population allegedly is exposed. Likewise, it takes note of the situation of older persons deprived of liberty allegedly denied access to lawful reduction of sentence for political reasons.

157. In that regard, the Commission has received information on situations of poverty and homelessness of older persons who are unable to obtain basic food necessities due to their high resale prices on the market. The Commission also takes note of information on the poor living conditions of older persons in city centers (“shelters”), where they do not have conditions for movement and accessibility.²⁵⁸

158. The Commission has also received information from the Cuban Observatory of Human Rights says regarding the situation of persons over aged 60 deprived of liberty for political reasons:²⁵⁹ Félix Navarro Rodríguez (69), Lázaro Yuri Valle Roca (61), Carlos Manuel Pupo Rodríguez (68), and Miguel Díaz Bauza (80),²⁶⁰ who allegedly cannot apply for any reduction of sentence based on their political opinions.

159. In view of the foregoing, the IACHR reiterates that older persons have the right to access a social security system which will protect them against the consequences of old age that make it physically or mentally impossible for them to earn a living.²⁶¹ Similarly, the right of every person in the Americas to food is a human right that has been related to the guarantee of preservation of health.²⁶² In this regard, the Committee on Economic, Social and Cultural Rights (DESC Committee) has indicated that the right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfillment of other human rights. It is also inseparable from social justice, requiring the adoption of appropriate economic, environmental, and social policies, at both the national and international levels, oriented to the eradication of poverty and the fulfillment of all human rights for all.²⁶³

160. In another vein, the IACHR has stipulated that places for the care of older persons must ensure dignified living conditions. In this regard, it has considered that older persons who are under the care of the State have the right to the safeguarding of their health and not to be subjected to mistreatment.²⁶⁴ The Commission reiterates to Cuba the prohibition *ius cogens* of torture, which includes older persons receiving care, and the obligation to monitor the treatment and the conditions in which their care is given.²⁶⁵

²⁵⁷ El Toque, [Ruta marítima de migrantes cubanos: muertes y desapariciones en 2023 | elTOQUE](#), August 4, 2023.

²⁵⁸ Inclusive Culture Network of Cuba, information sent to the IACHR on September 13, 2023.

²⁵⁹ *Diario de Cuba*, [What can be done to alleviate the situation of political prisoners over the age of 60? | Diario de Cuba](#), June 21, 2023.

²⁶⁰ *Diario Martí*, [Serious human rights violations of Cuban political prisoners over 60 years of age denounced \(martinoticias.com\)](#), June 9, 2023.

²⁶¹ [American Declaration of the Rights and Duties of Man](#) (ADRDM), Article XVI.

²⁶² ADRDM, Article XI.

²⁶³ DESC Committee, General comment No. 12 on the right to adequate food, E/C.12/1999/5, CESCR, May 12, 1999, par. 4.

²⁶⁴ IACHR, [Human rights of the elderly and national protection systems in the Americas](#). Approved by the Inter-American Commission on Human Rights, OAS/Ser.L/V/II.doc.397/22, December 31, 2022, par. 376.

²⁶⁵ IACHR, [Human rights of the elderly and national protection systems in the Americas](#). Approved by the Inter-American Commission on Human Rights, OAS/Ser.L/V/II.doc.397/22, December 31, 2022, par. 375 and Conclusion six.

161. Lastly, the Commission considers that the Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas prohibit discrimination against the prison population for reason of age or political opinion, and therefore, any distinction, exclusion, or restriction that is either designed to or has the effect of undermining or impeding the recognition, enjoyment, or exercise of the internationally recognized rights of persons deprived of liberty, shall be prohibited.²⁶⁶ The IACHR considers that lack of access to reduction of sentence for political reasons is discriminatory treatment in access to alternatives to incarceration, which is exacerbated by the special situation of vulnerability and need, alternatives essential to the existence of older persons, regarding which the States have the obligation to take steps for their protection.

6. Persons with disabilities

162. The IACHR continues to note with concern the obstacles faced by persons with disabilities to the exercise of their rights on an equal and nondiscriminatory footing. In particular, it points to the serious situation of persons with disabilities deprived of liberty for political reasons or as the result of exercising their right to the protection of human rights.

163. In 2023, numerous cases have been reported of physical and psychological abuse of persons with disabilities deprived of liberty, especially those arbitrarily detained for political reasons. Practices reported to the IACHR include denial of medical care appropriate for these persons, lack of regular access to medications to control their illnesses, tenuous access to food, and solitary confinement.²⁶⁷ Regarding prison compounds, overcrowding, confined and therefore inaccessible space, and lack of training of system personnel on the appropriate treatment of persons with disabilities have been reported.²⁶⁸

164. In the context of the hearing to follow up on precautionary measures for beneficiaries deprived of freedom, held on November 7, 2023, civil society drew attention to the case of Irán Almaguer Labrada, brother of activist Yandier García Labrada (both beneficiaries of precautionary measures granted by the IACHR), who suffers from Retinitis pigmentosa (which leads to progressive loss of vision) and who has been denied access to the medical treatment required as a form of reprisal for her activism and support for her brother.²⁶⁹

165. In addition, it is of concern to the Commission that, although complaints have been filed with local courts, there are no guarantees of protection of her health, life, and well-being. In that regard, during meetings of Red Cuba, repeated reports were made of the lack of transparency of and access to judicial proceedings and the lack of adequate defense for persons with disabilities. Reports have also been made of the denial of reduction in sentence for those representing any type of opposition to and criticism of the political regime.

166. The IACHR has also received information regarding persistent situations of exclusion and extreme vulnerability of persons with disabilities. In that regard, a large number of reports have been made of persons with disabilities living in extreme poverty, in poor housing and even in indigence, especially in the case of persons with intellectual and psycho-social disabilities. Reports have also been made of the institutionalization of persons with disabilities in shelters, with few options for rehabilitation and independent living. The IACHR also notes that many such persons have difficulty in accessing pensions and social assistance, especially in rural areas.²⁷⁰

²⁶⁶ Principle II.

²⁶⁷ Inclusive Culture Network of Cuba: Report by the Inclusive Culture Network contributing to the 13th meeting of the Cuba Network of the Inter-American Commission on Human Rights, September 13, 2023. [in Spanish]

²⁶⁸ Reports received by the IACHR specifically mention six cases of persons with disabilities who have been deprived of liberty since the days of the protests of July 11, 2021, with sentences from six to 12 or more years of imprisonment, and that have profound intellectual, physical, and psycho-social disability, as well as coming from families living in extreme poverty. *Ibid.*, p. 3.

²⁶⁹ IACHR. Thematic hearing: Follow-up of precautionary measures for beneficiaries deprived of their freedom (ex officio) "[OAS :: IACHR :: Hearings](#)," 188th period of sessions, Washington D.C., United States, November 7, 2023.

²⁷⁰ The IACHR received information from the Inclusive Culture Network of Cuba (RCI) and from the Cuban Center for Human Rights, compiled through August 31, 2023, and systematized in the report of the Inclusive Culture Network of Cuba: Report of the Inclusive

167. The Commission also notes that the organizations for the assistance of persons with disabilities in the exercise of their rights -- the Cuban Association of the Physically-Motor Impaired (ACLIFIM), the National Association of the Blind and Poorly-Sighted (ANCI), and the National Association for the Deaf of Cuba (ANSOC) – continue to base their action and composition on a political-ideological profile established in their Statutes, filtering out persons with disabilities who do not share the ideology of the governing party so that they cannot become members of said associations.²⁷¹

168. The IACHR reminds the Cuban State that, in accordance with the international standards on the rights of persons with disabilities, they are a priority group for protection and the States have the role as main guarantor of their human rights and inherent dignity, including the rights to life, to health, to freedom, and to personal integrity, at all stages of the life cycle, and especially when under their care as persons deprived of liberty. The IACHR also emphasizes that the States are responsible for protecting persons with disabilities from all types of discrimination and for ensuring that they are not subjected to cruel, inhuman, and degrading treatment for any reason and that they have equal access to the justice system and to due process, with any accessibility adjustments required.

IV. RELACIONS OF THE STATE WITH OTHER ACTORS

A. Situation of the Cuban State with the OAS and the IACHR

169. On January 31, 1962, the Government of Cuba was excluded from participation in the inter-American system by Resolution VI, adopted at the Eighth Meeting of Consultation of Ministers of Foreign Affairs, held in Punta del Este, Uruguay.²⁷² Subsequently, on June 3, 2009, at its thirty-ninth regular session, held in San Pedro Sula, Honduras, the General Assembly of the Organization of American States (OAS), by resolution AG/RES. 2438 (XXXIX-O/09), resolved that resolution VI ceased to have effect and established “[t]hat the participation of the Republic of Cuba in the OAS will be the result of a process of dialogue initiated at the request of the Government of Cuba, and in accordance with the practices, purposes, and principles of the OAS.”²⁷³

170. As of the date of approval of the instant report, the revocation of the 1962 resolution that excluded the Cuban government from the inter-American system has not led to the reincorporation of Cuba in the OAS. In 2018, for example, Cuba had a delegation at the Eighth Summit of the Americas, and, although it withdrew from the inaugural session prior to the intervention by the Secretary General of the Organization, it affirmed that it would continue “exercising [its] legitimate right to participate in a forum of which we should have been a member since long ago.” At the same event, the Minister of Foreign Affairs reiterated the position of the Cuban State regarding what it considers to be the use of the OAS to serve the geopolitical interests of the United States.

171. The exclusion of the Cuban government by the OAS has not prevented the Commission from fulfilling its mandate to promote and protect human rights,²⁷⁴ since it recognizes Cuba as juridically responsible

Culture Network contributing to the 13th meeting of the Cuba Network of the Inter-American Commission on Human Rights, September 13, 2023. [in Spanish], p. 5.

²⁷¹ Examples of specific cases are the denial of admission to the ANCI to Juan del Pilar Goberna Hernández and Alcibiade Ildemaro Brizuela Angulo, who are blind persons officially diagnosed as such by a hospital in Havana. This also happened to Eduardo Queijas Falcón, also visually impaired, and Lázaro Ariel Padrón López, who was expelled from the ACLIFIM. Cf. Inclusive Culture Network of Cuba Report by the Inclusive Culture Network contributing to the 13th meeting of the Cuba Network of the Inter-American Commission on Human Rights, September 13, 2023, [in Spanish], p. 5.

²⁷² The text of resolution VI is contained in the “Eighth Meeting of Consultation of Foreign Affairs Ministers to serve as the Advisory Body in applying the Inter-American Reciprocal Assistance Treaty, Punta del Este, Uruguay, January 22-31, 1962, [Meeting Documents](#),” Organization of American States, OAS/Ser.F/II.8, doc. 68, pp. 13-15.

²⁷³ The text of resolution AG/RES. 2438 (XXXIX-O/09) is contained in the “Thirty-Ninth Regular Session, San Pedro Sula, Honduras, June 2 to 4, 2009, [Proceedings and Documents, Volume I](#)”, Organization of American States, OAS/Ser.P/XXXIX-O.2, p. 12.

²⁷⁴ In 2018, the IACHR issued two letters requesting information from the State and published two press releases: IACHR, Press Release R82/2018, “The IACHR publishes merit report in case related to the criminalization of political opinion and deliberation in Cuba,” [OAS :: Special Rapporteurship for Freedom of Expression](#), April 11, 2018 and IACHR, Press Release R152/2018, “The Office of the Special

to the Inter-American Commission in matters concerning human rights as a party to the international instruments initially established to protect human rights in the American hemisphere, and because Resolution VI of the Eighth Meeting of Consultation excluded the Government of Cuba, and not the State, from participation in the Inter-American system.²⁷⁵

172. The Commission notes that the States that have not ratified the American Convention on Human Rights conferred on the Commission the power “to pay particular attention to the observance of the human rights referred to in Articles I, II, III, IV, XVIII, XXV and XXVI of the American Declaration of the Rights and Duties of Man,” as established in Article 20(a) of the Statute of the IACHR.

173. In the framework of that mandate, the Commission has prepared eight country reports on Cuba, the last one in 2020, and one thematic report, in 2023. Cuba was also included in Chapter IV, or its equivalent, of the annual reports from 1984-1985 to 1994, and without interruption since 1996. Since the 2013 amendment of the IACHR Rules of Procedure, Cuba’s inclusion in annual reports has been based on the criteria under Article 59(6)(a)(i) and (c) of the Rules of Procedure.

174. In the past 10 years, the IACHR has held an average of two public hearings on Cuba per year. In 2023, the Commission held three hearings: “Right to movement of persons in Cuba” (186th period of sessions); and “Cuba: Freedom of expression and press, and the new Social Communication Law” and “Cuba: Follow-up of precautionary measures for beneficiaries deprived of their freedom” (188th period of sessions).

175. Additionally, pursuant to Article 18(d) of the Statute, information has been requested from the State, and in turn, individual petitions, cases, and requests for precautionary measures continue to be received, processed, and examined.

176. Regarding cases, on June 12, 2023, the IACHR published Admissibility and Merits Report 83/23, Case 14.196, regarding the responsibility of the State of Cuba for the deaths of Oswaldo Payá, human rights defender and political leader, and Harold Cepero, also defender and political dissident, who were subjected to various acts of violence, harassment, threats, and, in particular, an attempt on their lives in a traffic accident in which they died on June 22, 2012. In the Report, the IACHR emphasized that what happened to the victims took place in a context of the State persecution and repression of political dissidents and defenders in Cuba in order to impede or paralyze the work of human rights promotion and protection.

177. Regarding precautionary measures, as of the date of preparation of this Report, Cuba has 46 active precautionary measures. The IACHR notes the adoption, in 2023, of follow-up resolution No. 09/23, regarding precautionary measure No. 552-20, whose beneficiaries are María de los Ángeles Matienzo and Kirenia Yalit Núñez Pérez. The Commission decided to issue this follow-up resolution, because it considered that the risk events that affected beneficiaries María de los Ángeles Matienzo and Kirenia Núñez Pérez are ongoing, including: (i) detentions along with threats referring to their work as defenders and restricting their participation in protest events; (ii) different times when the beneficiaries have been located and stalked at their home by State agents; (iii) being followed by State agents when running errands; and (iv) migration restrictions accompanied by threats.²⁷⁶

178. Although the Cuban government does not reply to IACHR communications and decisions, civil society organizations report that they experience the cessation or lessening intensity, sometimes temporary,

Rapporteur Expresses Concern over Criminal Convictions for *desacato* laws in Cuba,” [OAS :: Special Rapporteurship for Freedom of Expression](#), July 17, 2018.

²⁷⁵ IACHR: 2002 Annual Report. Chapter IV. Human Rights Development in the Region. [Chapter IV. Cuba](#), OAS/Ser.L/V/II.117 Doc. 1 rev. 1, March 7, 2003, pars. 3-7; [The Situation of Human Rights in Cuba \(Seventh Report\)](#), OAS/Ser.L/V/II.61 Doc.29 rev. 1, October 4, 1983, OAS/Ser.L/V/II.61, Doc.29 rev. 1, pars. 16-46.

²⁷⁶ IACHR, [res 9-23 mc 552-20 cu en.pdf \(oas.org\)](#), MC 552-20 - María de los Ángeles Matienzo and Kirenia Yalit Núñez Pérez, Cuba, February 26, 2023.

of the mistreatment, reprisals, harassment, and/or aggression to which they were subjected prior to the action of the Commission.

B. The economic blockade of Cuba

179. The United States' embargo of Cuba, begun more than 60 years ago, is based on a group of U.S. laws and regulations that prohibit or limit trade relations with the island, in particular, the Trading with the Enemy Act (1917), the Foreign Assistance Act (1961), the Cuban Democracy Act (1992), the Cuban Liberty and Democratic Solidarity Act, known as Helms-Burton (1996), and the Trade Sanctions and Export Enhancement Act (2000).²⁷⁷

180. Over time, the intensity of the blockade has ranged from flexibilizations to more restrictions. Since the announcement on December 17, 2014, of the reestablishment of relations between Cuba and the United States of America,²⁷⁸ the Commission has continued to monitor the partial lifting of the economic embargo by the U.S. Congress.²⁷⁹

181. In 2019, the U.S. Government reactivated some sanctions imposed on the Cuban government.²⁸⁰ In early 2020, the United States established restrictions on charter flights to all airports in Cuba except José Martí International Airport, in Havana,²⁸¹ having previously restricted remittances to the island.²⁸² In 2021, the Commission noted that the U.S. government did not return to the policy of reestablishment of relations with Cuba.

182. In 2022, the IACHR noted the flexibilization of some restrictions. In that regard, in May 2022, the U.S. Government announced measures to flexible the policy on Cuba, implying a reversal of the decisions taken by former President Donald Trump. In particular, the Department of State reported the restoration of commercial flights to various Cuban cities which, since August 2020, had not gone beyond Havana, and that it would the US\$1,000 per quarter limit on remittances and facilitate family reunification by reinstating the Cuban Family Reunification Parole (CFRP) Program.²⁸³

183. In 2023, the IACHR noted the new procedures adopted by the Department of Homeland Security (DHS) for Cubans, Haitians, and Nicaraguans. Under these procedures, Cubans with support in the United States (financial or other type) who travel by air would be able to reside temporarily in the United States and request employment authorization.²⁸⁴ As of late August 2023, over 43,000 Cubans had arrived under this program.²⁸⁵ The Commission also notes the resumption of consular and visa services in the U.S. embassy in Havana as of January 2023, after a prolonged interruption since 2017.²⁸⁶

184. As reiterated on various occasions, the IACHR calls for the lifting of the U.S. economic embargo of Cuba, owing to its impacts on the Cuban population and its rights. At the same time, the IACHR emphasizes

²⁷⁷ U.S. Department of State. [Cuba Sanctions](#).

²⁷⁸ The White House, Press Release, [Fact Sheet: Charting A New Course On Cuba](#), December 17, 2014.

²⁷⁹ IACHR, Press Release 156/2014: [IACHR Welcomes Announcement of Reestablishment of Relations \(oas.org\)](#), December 18, 2014.

²⁸⁰ Congressional Research Service, ["Cuba: U.S. Policy in the 116th Congress"](#), May 14, 2020, p. 24.

²⁸¹ El Nuevo Herald, "United States Eliminates Charter Flights to Cuba Except Havana," [U.S. Restricts Charter Flights to Cuba | El Nuevo Herald](#), January 10, 2020.

²⁸² U.S. Department of State, [United States Restricts Remittances and "U-Turn" Transactions to Cuba - U.S. Embassy in Cuba \(usembassy.gov\)](#), September 6, 2019.

²⁸³ U.S. Department of State, [Biden Administration Measures to Support the Cuban People](#), May 16, 2022; BBC, [Cuba-U.S.: Biden administration relaxes its policy towards the island and undoes measures adopted by Trump - BBC News World](#), May 17, 2022.

²⁸⁴ U.S. Citizenship and Immigration Services, [DHS Implements New Processes for Cubans, Haitians and Nicaraguans and Removes Numerical Cap for Venezuelans](#), January 6, 2023.

²⁸⁵ Migration Policy Institute, [Article: Cuban Immigrants in the U.S. | migrationpolicy.org](#), September 21, 2023.

²⁸⁶ U.S. Embassy in Cuba, [U.S. Embassy in Havana Prepares for Full Resumption of Immigrant Visa Services in Cuba, Will Accelerate Processing of Cuban Family Reunification - U.S. Embassy in Cuba \(usembassy.gov\)](#), September 21, 2022.

that the embargo does not release the State of Cuba from its obligation to discharge its international obligations or excuse its violations of the American Declaration.²⁸⁷

185. The embargo of Cuba has also been criticized by the United Nations on various occasions. Since 1992, the UN General Assembly has been requesting the United States to lift the sanctions on Cuba, thus far without success. In that regard, on November 2, 2023, for the 31st time, another General Assembly resolution was adopted, again requesting the end of the economic, trade, and financial embargo of Cuba. The resolution was approved 187 votes in favor, two against (the United States and Israel), and one abstention (Ukraine). The text approved "once again urges States in which such laws and measures exist and continue to be applied to take the necessary measures to repeal or render them null and void as soon as possible and in accordance with their legal systems."²⁸⁸

V. CONCLUSIONS AND RECOMMENDATIONS

186. The IACHR notes with great concern that, in view of the information gathered in 2023, taking into account the recommendations issued its most recent country report and in the Chapters IV of prior annual reports, it does not note improvement in structural aspects, or regarding the violations of the rights to freedom and personal integrity, arbitrary restrictions on the right to vote and participate in government, and freedom of expression and thought.

187. Also widespread are violations of due process guarantees and undue restrictions on the right to freedom of movement, among others. The IACHR also regrets the limited official information available and the historical distancing of the State from this regional human rights organ.

188. In another vein, the IACHR reiterates its interest in conducting an on-site visit to Cuba to begin rapprochement and dialogue with the Cuban State, and so be able to provide any technical support in the area of human rights that may be required, with a view to promoting respect for and guarantee of human rights on the island.

189. In view of the foregoing considerations, in fulfillment of its mandate, the Commission urges the State of Cuba to:

Representative democracy and political rights

1. Ensure the formal and material existence of opposition political parties and of diverse lines of thought.
2. End the use of Nominating Committees as tools for ideological control and ensure that no opposition candidate is arbitrarily excluded from electoral processes.
3. Permit electoral observation in the country, ensuring a propitious environment for the public oversight and transparency of electoral processes.
4. Provide periodic reports on steps taken to modify legislation for the institutionalization of representative democracy in the country and respect for human rights related to its exercise.
5. Release all persons detained for political reasons or for reasons of conscience, including activists, artists, and journalists prosecuted for their work or activism.

²⁸⁷ IACHR. Report on the Situation of Human Rights in Cuba, [Cuba2020-en.pdf \(oas.org\)](#). OAS/Ser.L/V/II. Doc. 2. February 3, par. 49.

²⁸⁸ United Nations, [General Assembly Overwhelmingly Calls for End of U.S. Embargo on Cuba Once Again | UN News](#), November 2, 2023.

Independence of the branches of government, due process guarantees, and judicial protection

6. Ensure that judges have guarantees for the independent and impartial exercise of their work, in accordance with the law and with respect for human rights. To that end, processes for appointment and removal should be conducted based on the previously established legal requirements, and without conditions of ideology. Moreover, judges must not receive instructions from other branches of government regarding their action.
7. Investigate and prosecute violations of human rights reported and take steps to prevent impunity stemming from lack of juridical independence.
8. Review and reform criminal legislation to prevent any misuse of definitions of crimes, ensuring that they are not used for undue restriction of the rights of dissidents, activists, or critics of the government establishment. Prohibit unlawful or arbitrary detention, ensuring that deprivation of liberty is an exceptional measure and that all juridical guarantees are respected, including the right to be brought immediately before a judge.

Human rights defenders

9. Refrain from harassment, threat, aggression, stigmatization, persecution, and criminalization by authorities of the State, or with their acquiescence, to the detriment of human rights defenders.
10. Take the steps necessary to promote an environment free of hostility, and of respect for the fundamental freedoms for the protection of human rights. In that regard, refrain from carrying out actions that may negatively impact the guarantee of an open and participatory civic arena.
11. Refrain from imposing arbitrary restrictions on the right to freedom of movement of human rights defenders, allowing them to exercise freely their right to freedom of movement within Cuban territory, and to leave and enter the country.
12. Refrain from arbitrarily depriving of liberty human rights defenders who are carrying out their legitimate human rights protection work in the country.

Persons deprived of liberty

13. Prepare a registry of persons deprived of liberty that is public, easily accessible, and updated periodically. Specifically, that registry should contain, at a minimum, the following information: (i) number of persons detained in each incarceration center; (ii) age; (iii) gender, sexual orientation, and gender identity and expression; (iv) nationality and ethnic-racial origin; (v) special risk situation, such as disability; (vi) family composition; (vii) procedural status; (viii) sentence or measure applied and estimated date of release; (ix) reasons for incarceration; and (x) information on the court or tribunal that ordered and controls the detention.
14. Ensure the dignified treatment of persons deprived of liberty. In particular, ensure that incarcerated persons have access to adequate medical care for their specific health conditions, sufficient food of high nutritional value, and drinking water. In addition, ensure that infrastructure conditions are consistent with health and hygiene standards.
15. Take steps to prevent and combat all forms of torture and/or mistreatment. To that end, created an independent mechanism with broad powers to examine incarceration centers, conduct private interviews with detainees, and receive reports and launch investigations into acts of torture and/or mistreatment.

Freedom of expression

16. Guarantee the juridical conditions necessary for full exercise of the rights to freedom of expression, press freedom, freedom of peaceful assembly, and freedom of association, both online and off-line. This entails adjusting domestic norms to the international human rights standards in this area.
17. Guarantee that all persons and groups, including journalists, artists, human rights defenders, and political opponents, among others, can exercise the rights to freedom of expression, to peaceful assembly, and of association, without fear of reprisal or criminalization.
18. Refrain from arbitrarily impeding – even by indirect means – journalistic activity, including the local press and international correspondents.
19. Immediately cease all forms of harassment, threat, intimidation, and censorship, including summoning, interrogations, arbitrary detentions, and stalking by police of anyone for reasons related to the exercise of the rights to freedom of expression, freedom of association, and freedom of assembly.
20. Respect, protect, and guarantee the right to social protest. In particular, refrain from imposing requirements in contravention of international human rights law, such as prior authorization; and refrain for imposing criminal sanctions on persons solely for participating in public demonstrations.
21. Guarantee universal Internet access, without restrictions on, discrimination in, blocking of, or arbitrary interference with Internet traffic. In particular, refrain from any type of discrimination in data transmission and Internet traffic based on factors such as devices, content, author, origin, and/or use of the material, service, or application, in accordance with the principle of Net neutrality.
22. Facilitate the operation of international missions to observe the situation of the right to freedom of expression in Cuba, which includes providing all official information deemed relevant.
23. Guarantee pluralism and diversity of the media and take steps to prevent public media monopolies. In addition, take the steps necessary for the State media to be the subject of appropriate legislation and regulation.

Economic, Social, Cultural, and Environmental Rights

24. Adopt specific measures to guarantee economic, social, cultural, and environmental rights, without discrimination and on equal terms, and to combat poverty, with special emphasis on guaranteeing these rights for groups in situations of historical or structural discrimination.
25. Take urgent and effective steps to guarantee everyone, without discrimination, free access to drinking water, and to the free availability and accessibility of medications and food of sufficient quantity and quality to ensure their nutritional well-being.
26. Recognize and effectively guarantee the freedom to organize, especially the freedom of association, facilitating the information requested by the relevant bodies.
27. Take steps to guarantee academic freedom and university autonomy, and end, in the shortest possible time, all practices of persecution, harassment, and threat, including detentions of teachers and students in the context of the application of norms that would subvert said liberties and rights.

Afro-descendent persons

28. Ratify the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance.
29. Design statistical registries (censuses and surveys, among others) that contain disaggregated data on the Afro-descendent population, which make possible the intersection of various factors, such as ethnic-racial origin, gender, age, socioeconomic situation, migration status, disability, and sexual orientation and gender identity and/or expression. This with the aim of obtaining up-to-date information on the living conditions of this ethnic population in all areas, especially labor, education, health, social security, access to justice and criminal system, territorial rights, collective ownership, environment and natural resources availability, housing, and food and nutritional security.
30. Ensure participation by Afro-descendent civil society organizations in the implementation of the National Program against Racism and Racial Discrimination.
31. Ensure compliance with international standards on the use of force, based the principles of legality, proportionality, and absolute need, including a gender approach, and the prevention of racial profiling.

Women

32. Ratify the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women ("Convention of Belem Do Para").
33. Adopt a legislative framework that makes visible the structural imbalance faced by women in the enjoyment of their rights and that is consistent with the guiding principles for the eradication of gender-based violence and discrimination.
34. Strengthen the Cuban Observatory on Gender Equality (OCIG) so that it produces, compiles, analyzes, and periodically publishes statistics and other relevant information on the causes, consequences, and frequency of violence against women, with a view to formulating and evaluating the impact and effectiveness of public policies to combat gender-based violence against women.
35. Adopt policies for the prevention of gender-based violence against women with a comprehensive approach that addresses the various manifestations of violence, taking into account the specific risks faced by women working in the public arena, such as activists, women human rights defenders, women journalists, and women participating in politics.

LGBTI persons

Regarding LGBTI persons, the IACHR reiterates its calls to the State to:

36. Guarantee the integral protection of LGBTI persons, address the underlying causes of violence and discrimination against them, and fulfill its obligation to act with due diligence to prevent, investigate, prosecute, punish, and make reparation for violations of human rights to their detriment.
37. Make efforts and allocate sufficient resources for the systematic compilation and analysis of statistical data on the prevalence and nature of prejudice-based violence and discrimination against LGBTI persons, or those perceived as such.

38. Enact a law on gender identity that recognizes the right of trans and gender-diverse persons to correct both their name and photographic image, as well as the sex or gender component of their birth certificates, identity documents, and other legal documents, without requiring them to submit medical evaluations or certificates, and without psychological/psychiatric or other invasive requirements, in accordance with the standards established in Advisory Opinion 24/17.
39. Lastly, the Commission urges the State to adopt protocols that guarantee the dignified treatment of and respect for the human rights of LGBTI persons deprived of liberty, in compliance with the standards of Advisory Opinion 29/22 of the IA Court HR and to guarantee respect for the gender identity of trans women, preventing their housing with men, or in contexts that may put them at risk.

Persons in situation of human mobility

Regarding persons in situation of human mobility, the IACHR reiterates its calls on the State to:

40. Eliminate the travel restrictions imposed on persons owing to their activities as activists or for political reasons.
41. Create a streamlined public procedure to determine the reasons for imposing restrictions on freedom of movement between provinces or on departure from the country, and in no case should this lead to any type of discrimination, including for political reasons. This policy should clearly explain the valid constitutional and legal grounds for designating a person as “regulated.” In all cases, there should be a streamlined and impartial procedure for preventing arbitrariness to enable citizens to report restrictions on their departure from the country or on taking up residence in another place in Cuba and for obtaining reply within a reasonable time, prior to preparing for their trips.
42. Refrain from impeding or creating obstacles to the return of nationals to the country.
43. Take urgent and comprehensive steps to address the factors that are generating the departure of its nationals from the country, among them, violations of basic human rights and fundamental freedoms.
44. Promptly identify the migrants aboard shipwrecked vessels, and identify the remains of those who died, as well as those who are missing, and inform their families of their status and whereabouts.

Older persons

45. Prepare an assessment of the situation of temporary or permanent care centers for older persons within its territory and on the food provided in such places.
46. Review the procedural status of older persons who have not accessed alternative, or substitute incarceration measures based on allegedly discriminatory criteria.
47. Ratify the Inter-American Convention on the Protection of the Human Rights of Older Persons.

Persons with disabilities

48. Revise the legislative corpus in force, including the Code of Civil Procedure and the Code of Penal Procedure, and promote comprehensive legislative reform so as to eliminate terminology and approaches associated with a medical paradigm on disability, and rescind

the definition of legal incompetence and guardianship based on disability, and replace it with full recognition of the right to exercise legal capacity.

49. Promote the reform of the prison system so as to make it accessible and establish measures for the oversight and punishment of personnel, and their training on full respect for the human rights of persons with disabilities who are deprived of liberty, with a differentiated approach for women and older persons with disabilities.
50. Develop public policies and programs that promote the exercise of rights of persons with disabilities, especially those with intellectual and psycho-social disabilities, including their right to organized and representative participation, regardless of their political stance and ideology.